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THE OFFICIAL MONTH IN REVIEW

PRESIDENT Elpidio Quirino submitted on February 1 to the Commission on Appointments the nomination of Chief Justice Manuel V. Moran as ambassador extraordinary and plenipotentiary to Spain. The following were appointed on the same day to the Board of Examiners for Civil Engineers: Eladio Santos, chairman, for three years; Arsenio P. Juan, member for one year; and Juan J. Carlos, member for two years.

AFTER a lengthy conference with Defense Secretary Ramon Magsaysay on February 2, the President issued Proclamation No. 238, lifting the suspension of the writ of *habeas corpus* in seven provinces in the Visayas and in eight provinces in Mindanao. The President said that the restoration of the writ of *habeas corpus* will be extended to other provinces "from time to time as peace and order conditions in those areas warrant."

ON the eve of President Achmed Sukarno's homeward trip to Indonesia on February 3, President Quirino awarded him the Philippine Legion of Honor with the rank of Chief Commander, at the Malacañan ceremonial hall in the presence of ranking Philippine officials and members of the local diplomatic corps.

At the press interview granted to some Indonesian newspapermen at the Manila International Airport in the presence of President Sukarno, just a few minutes before the Sukarno party took off, President Quirino, declared that the Philippines had cast her lot with the democracies in the present conflict between democracy and communism, and added: "America gave us freedom, and we are ready to lose that freedom with America, if necessary."

THE Department of Foreign Affairs announced on February 3 the assignment of Consul General Jose P. Melencio of New York as Minister to occupied Japan with the rank of ambassador, to succeed Minister Bernabe Africa who was assigned to Djakarta as minister with the rank of ambassador.

ON February 4, President Quirino issued Executive Orders Nos. 407 and 408 fixing the ceiling prices of important materials for the manufacture of shoes, imported poultry feeds, and galvanized plain wire.

THE President cancelled his listed callers on February 6 and postponed until the next day the Cabinet meeting in order to concentrate work on the 1951-52 Budget with the aid of his financial advisers whom he consulted on the proposed government expenditures for the next fiscal year. The President had until midnight to submit the budget to Congress.

IN its meeting on February 7, the Cabinet approved Philippine participation in the ECAFE Conference to be held in Lahore, Pakistan, and in the meeting of the Commonwealth Consultative Committee in Colombo, Ceylon. The Philippine delegation to the forthcoming ECAFE conference will be headed by Secretary of Commerce and Industry Cornelio Balmaceda, while Leonides Virata and Andres V. Castillo of the Central Bank will represent the Philippines in Colombo Plan meeting.

ADRESSING the members of the Philippine Lawyers' Association at the Manila Hotel on the 16th anniversary of the Constitution on February 8, the President declared: "As individuals and as a people, we can survive our perils and emerge the stronger when we cherish the Constitution not merely as an affirmation of rights but as an injunction to civic duties for the perpetuation of a free and democratic system." (See HISTORICAL PAPERS AND DOCUMENTS for full text of the President's address in this issue.)

PRESIDING at the meeting of the members of the foreign relations committee of both houses of Congress on February 9, the President exchanged views on points U. S. Ambassador Dulles may likely raise in his meeting with the Chief Executive on February 12.

FURTHER control of the prices of essential imported commodities was ordered by President Quirino on February 10 with his issuance of Executive Orders Nos. 410 and 411 fixing the new ceiling prices for powdered milk, spices, and beverages. The President designated Undersecretary of Commerce and Industry Saturnino Mendinueto as acting chairman of the board of directors of the Price Stabilization Corporation, vice Secretary Balmaceda who would attend the 7th ECAFE session in Lahore, Pakistan.

THE President granted on February 10 conditional pardon to a former Japanese officer who had been sentenced to 20 years at hard labor for war crimes committed by members of his command during the occupation, on condition that the prisoner leaves the Philippines for Japan upon his release. This was the first case of a Japanese war criminal convicted by the National War Crimes office to be pardoned by the Chief Executive, following representations made by prominent Filipinos to whom the Japanese officer, Hideichi Matsuzaki, had given favors during the Occupation.

PRESIDENT Quirino and Ambassador Dulles opened the talks on the Japanese peace treaty with a two-hour conference at the President's study at Malacañan on February 12. They discussed in broad outlines the important issues of the Japanese peace treaty, particularly the Philippine position on the question of reparations.

In the evening, the President honored Ambassador and Mrs. John Foster Dulles with a formal dinner at Malacañan. In an after-dinner speech, the President addressing Ambassador Dulles declared: "Mr. Ambassador, I am glad that you have come to study and observe the relative importance of America's responsibility in the Orient. We have been looking forward to this opportunity to review with you our situation in the light of the most distressing moments in our lives as free people." (See HISTORICAL PAPERS AND DOCUMENTS for full text of the President's speech in this issue.)

MALACAÑAN announced on February 13 the awards by the President of the Philippine Legion of Honor to Rear Admiral Louis Dreller, Captain William A. Dolan, and Lieutenant Harvey J. Woods, all of the USN, for outstanding services rendered to the Republic of the Philippines. The awards were granted upon recommendation of the Secretary of National Defense.

PRESIDENT Quirino officially launched on February 14 the Philippine National Red Cross drive for 1951, before high government officials, diplomatic representatives, and a group of about 3,000 cadets, boy scouts, girl scouts, and Red Cross workers who marched from Plaza Lawton to Malacañan. In appealing to the people to help Red Cross collect more funds for future eventualities, the President said that in helping the civic and humanitarian institutions, the contributor is actually helping the government, the nation, and himself.

IN an impassioned extemporaneous speech delivered before the student body of the University of the Philippines at their convocation on February 14, the President put up a vigorous defense of his suspension of the writ of *habeas corpus*, pointing out that it was absolutely necessary under the prevailing peace and order condition of the country. The President rapped his critics who, he said, "are helping the enemies of the States deliver the country to a foreign power."

THE F.E.U. debaters who successfully defended the action of the President in suspending the privilege of the writ of *habeas corpus* in a debate against the University of the Philippines on January 30, were invited to Malacañan by President Quirino on February 14. The President warmly con-

gratulated the winning debaters and spent about an hour discussing with them the arguments in defense of the writ suspension.

IN response to requests from many quarters, the President used his extemporaneous speech at the U. P. convocation the previous day for his 28th monthly radio chat broadcast over all radio stations on the night of February 15.

PRESIDENT Quirino administered the oath of office on February 16 to Engineer Gil R. Mallare as acting mayor of Baguio City vice Justice Luis P. Torres, resigned. Whether Mallare will occupy the position temporarily or permanently will depend upon his performance, the President indicated in inducting the new city mayor.

On the same day Malacañan announced that the President had authorized the conferment of various awards to 14 U. S. Army personnel and a Filipino officer for exceptionally meritorious conduct in the performance of outstanding service in the Philippines during the last war. The awards range from the Philippine Legion of Honor of the officer and Legionnaire degrees to the Gold Cross Medal. The Philippine Legion of Honor of the officer degree was given to Lieutenant Colonel Frank Snyder and the Gold Cross Medal, to Major Simeon M. Valdez. Ten U. S. Army enlisted men were awarded the Legion of Honor, legionnaire degrees.

THE President signed on February 16 Executive Order No. 413 fixing the ceiling price of red or yellow corn, and Executive Order No. 414 amending the previous executive order regarding the establishment of military tribunals of the Armed Forces of the Philippines. Proclamation No. 239 reserving for summer resort purposes certain parcels of public land in Davao City, and Administrative Order No. 139 ordering the transfer of the sugar adjustment and stabilization fund from the National Treasury to the Sugar Rehabilitation and Readjustment Commission were also signed on the same day.

ON February 17 Malacañan released the full text of House Bill No. 1451 raising taxes on luxury articles, which took effect the previous day upon being signed by the President.

DURING the induction of Labor Secretary Jose Figueras on February 20 as acting chairman of the governing council of the People's Homesite and Housing Corporation, the President ordered the rushing of the completion of government housing projects intended to provide better homes for Manila's slum dwellers, to implement the slum-clearing program of the administration.

THE President instructed Secretary of National Defense Ramon Magsaysay during the Cabinet meeting on February 20 to dispose of pending cases against suspects for alleged sedition and rebellion, to file complaints against detainees and expedite their trial, or to release them if no charges for sedition or rebellion could be filed against them.

Moreover, the President ordered the Cabinet to implement immediately his "land for the landless" program in order to facilitate the settlement of public lands in Mindanao and Palawan by dissidents who surrender to the Government with their arms to return to normal and peaceful life.

ON February 21 the President signed Executive Order No. 415 changing the composition of the Government Quarters Committee and granting it additional powers and duties. Under the new order the committee shall be composed of the Secretary of Public Works and Communications, as chairman, and the Budget Commissioner and the Auditor General, as members.

MALACAÑAN announced on February 22 the release of ₱6,000,000 from the motor vehicle fund for the reconditioning of highway facilities in various parts of the country.

THE Cabinet adopted a resolution of February 23 authorizing the payment of salaries to laid-off government employees who actually rendered services from January 1 up to the date of their lay-off, the amount to be taken from the available funds of the office concerned.

TAKING a direct hand in the current drive to rid Manila of vice and prostitution, the President on February 26 ordered Major General Guillermo B. Francisco, adviser on police matters, to formulate a program of action based on reports and recommendations submitted to Malacañan by the Citizen's Conference on Moral Crusade.

In the evening of the same day, the President held a conference with Ambassador Cowen, Vincent Checchi of the ECA, and former Speaker Jose Yulo regarding the urgency of the interim aid to carry out the immediate completion of the fertilizer plant at Maria Cristina, the Ambuklao hydroelectric project, and the slum clearance in Manila.

THE next day, February 27, the President had a breakfast conference with Ambassador Cowen, Major General Leland S. Hobbs, and Brigadier General Calixto Duque in connection with his desire to hasten delivery to the Philippines of military equipment as provided for in the military assistance pact between the Philippines and the United States.

IN its meeting held on the same day, the Cabinet decided to classify educational and technical books as essential commodities and transferred the licensing of their importation from the ICA to the PRISCO.

ON February 28, the President authorized Benito Pangilinan, Director of Public Schools, to head the Philippine delegation to the First Asian Athletic Games to be held in New Delhi, India, from March 4 to March 11, 1951. This will be the first athletic meet of Asian countries since the outbreak of the war.

EXECUTIVE ORDERS, PROCLAMATIONS AND ADMINISTRATIVE ORDERS

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 407

FIXING THE CEILING PRICES OF COMMODITIES AND FOR OTHER PURPOSES

By virtue of the powers vested in me by section 3 of Republic Act No. 509, entitled "An Act declaring national policy, authorizing the President of the Philippines for a limited period to fix ceiling prices of commodities and to promulgate rules and regulations regarding prices of commodities to effectuate such policy, and authorizing the appropriation of a certain sum for the purpose," and upon the recommendation of the Price Administration Board, I, Elpidio Quirino, President of the Philippines do hereby order:

SECTION 1. The following essential commodities shall not be sold at more than the maximum selling prices for importers, wholesalers, and retailers set opposite each:

SHOE MATERIALS (IMPORTED)

Commodity	Unit	Importer's price	Wholesaler's price to shoemakers
<i>Finished upper leather:</i>			
Luxury Black Patent D X PLM	Sq. Ft.	₱1.82	₱2.01
Colonial #200 White CM	Sq. Ft.	1.84	2.02
Smooth Large & Sides	Sq. Ft.		
Gunmetal Par #41 DDM and Elite	Sq. Ft.	1.53	1.68
<i>White Smooth Sides:</i>			
Grade 1	Sq. Ft.	1.92	2.11
Grade 2	Sq. Ft.	1.85	2.04
Grade 3	Sq. Ft.	1.78	1.96
Grade 4	Sq. Ft.	1.68	1.85
Grade 4 Extremes	Sq. Ft.	1.68	1.85
<i>Primo Sides, Black:</i>			
Grade D X H	Sq. Ft.	1.97	2.17
Grade D XX H	Sq. Ft.	1.91	2.10
Grade D XXX H	Sq. Ft.	1.84	2.03
<i>Quarterlining:</i>			
Imitation Leather, Calftex			
Junior 36" wide color: No. 319, Brown, Black, Waterlily or White	Yard	2.15	2.36
<i>Imitation leather garcaf:</i>			
Kid Grain, Color: Green, Waterlily, Red, White or Black	Yard	2.00	2.20

Commodity	Unit	Importer's price	Wholesaler's price to shoemakers
<i>Shoe strings:</i>			
Sizes: #141-27# Black or			
Brown	Gross	₱2.38	₱2.62
#250-36" White	Gross	4.44	4.89
#250-40" White	Gross	4.93	5.43
#250-27" White or Black..	Gross	3.55	3.91

POULTRY FEEDS (IMPORTED)

Commodity	Unit	Importer's price	Wholesale price	Retail ceiling price
<i>Poultry feeds:</i>				
California Sardines				
Meals:				
Protein 64.19% ..	Bag/100#	₱22.19	₱24.07	₱26.89
Protein 65.50% ..	Bag/100#	22.64	24.56	27.44
Protein 66.13% ..	Bag/100#	22.86	24.80	27.70
Protein 70.69% ..	Bag/100#	24.44	26.51	29.61
Dried Cheese				
Whey	Bag/100#	32.09	28.96	26.77
Bone Meal	Bag/110#	11.71	12.70	14.19
Western Barley ..	Bag/100#	11.51	12.49	13.95
Suncured Alfalfa				
Meal	Bag/100#	10.89	11.82	13.20
Fish Meal Fertilizer	Bag/100#	21.64	23.48	26.23
Calcium Powder for Manufacture of Poultry				
Feeds	Bag/100#	5.86	6.36	7.11
Soy Flour	Bag/100#	15.88	17.23	19.25
Dried Whey	Bag/100#	23.84	25.86	28.89
Shell Meal Powder	Bag/100#	5.41	5.78	6.56
Meat Meal	Bag/100#	16.95	18.38	20.54
Iodized Hay Salt	Bag/100#	5.87	6.36	7.11
Steam Bone Meal	Bag/100#	12.12	13.15	14.69
Vitamelk Base	Bag/100#	27.63	29.97	33.49
Ground Barley ..	Bag/100#	10.69	11.59	12.95
Soybean Oil Meal ..	Bag/100#	14.40	15.62	17.45
Soy Bean Meal ..	Bag/100#	16.01	17.37	19.41
Alfalfa Meal	Bag/100#	10.73	11.64	13.00
Fish Meal	Bag/100#	21.56	23.39	26.13
<i>Albers poultry feeds:</i>				
Chick Starter Mash ..	Bag/100#	17.36	18.83	21.04
Trip L Duty Mash	Bag/100#	15.81	17.15	19.16
Egg Maker Mash	Bag/100#	16.33	17.72	19.79
Hen Scratch	Bag/100#	14.00	15.18	16.96
Fine Granite Grits, Chick size	Bag/100#	6.74	7.31	8.17
Medium Granite Grits, Hen size	Bag/100#	6.74	7.31	8.17
<i>Centennial poultry feeds:</i>				
Chick Starter Mash ..	Bag/100#	16.54	17.95	20.05
Developer Mash	Bag/100#	15.10	16.38	18.30
Egg Mash 20%	Bag/100#	15.10	16.38	18.30
All Purpose Mash	Bag/100#	15.10	16.38	18.30

SEC. 2. Any commodity not included in any previous Executive Order fixing ceiling prices and issued by author

specification of which are the same as those of the foregoing, shall have the same ceiling price.

SEC. 3. The ceiling prices fixed in this Order include the 7 per cent sales tax and 1 per cent municipal tax.

SEC. 4. This Order shall take effect five days from the date hereof.

Done in the City of Manila, this 3rd day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 408

AMENDING EXECUTIVE ORDERS NUMBERED THREE HUNDRED AND FORTY-THREE, THREE HUNDRED AND FIFTY-THREE, AND FOR OTHER PURPOSES.

By virtue of the powers vested in me by section 3 of Republic Act No. 509, entitled "An Act declaring national policy, authorizing the President of the Philippines for a limited period to fix ceiling prices of commodities and to promulgate rules and regulations regarding prices of commodities to effectuate such policy, and authorizing the appropriation of a certain sum for the purpose," and upon recommendation of the Price Administration Board, I, Elpidio Quirino, President of the Philippines, do hereby order:

SECTION 1. Section 1 of Executive Order No. 343, dated August 14, 1950, is hereby amended by increasing and setting up new ceiling prices for Galvanized Plain Wire as follows:

CONSTRUCTION MATERIAL (IMPORTED)

Commodity	Unit	Wholesale price	Retail ceiling price
<i>Galvanized plain wire—100# roll:</i>			
Sizes: No. 6/8	roll	₱24.50	₱27.23
No. 10	roll	25.05	27.83
No. 12	roll	27.23	30.25
No. 14	roll	28.31	31.46
No. 16/17	roll	29.40	32.67
No. 18/19	roll	29.40	32.67
No. 20	roll	30.49	33.88
No. 22	roll	43.56	48.40

SEC. 2. Section 1 of Executive Order No. 353, dated October 6, 1950, is hereby amended by increasing and setting up new ceiling prices for Shoe Materials as follows:

SHOE MATERIALS (IMPORTED)

Commodity	Unit	Importer's price	Wholesaler's price to shoemakers
<i>Finished upper leather:</i>			
White Ivory Sides #289 and #3M	Sq. Ft.	₱2.10	₱2.31
<i>Luxury Black Patent:</i>			
Large: D x M & CM	Sq. Ft.	1.66	1.83
Sides: D x M	Sq. Ft.	1.66	1.83
Black Diamond Chrome....	Sq. Ft.	1.63	1.79
<i>Colonial #200 White:</i>			
DM-Smooth Large and Sides	Sq. Ft.	1.78	1.96
D x M-Smooth Large and Sides	Sq. Ft.	1.55	1.71
<i>White Elko and Sootan:</i>			
IM4	Sq. Ft.	1.42	1.57
M4	Sq. Ft.	1.42	1.57
<i>Imitation suediens:</i>			
Width 38"/39" Color:			
Black or Slate Gray	Sq. Ft.	4.03	4.43
<i>Heeling board:</i>			
Size 41" x 25"	Bundle	48.07	52.94
	Kilo	0.85	0.93
Sole leather bellies	Kilo	3.81	4.20
Sole leather butts	Kilo	2.95	3.26
<i>Black full heels:</i>			
Plymouth Design 8 Nail Holes Sizes: 6/8, 9/10, 10/11 and 11/12	Pair	0.31	0.35
<i>Shoe strings:</i>			
Sizes: #440-27" White, Brown, Mahogany or Black	Gross	3.39	3.73
<i>Possaic cotton shoe thread:</i>			
Sizes: 6, 7, 8, 12, and 14 cord	Pound	3.78	4.16

SEC. 3. Any commodity not included in any previous Executive Order fixing ceiling prices and issued by authority of Republic Act No. 509, or in this Order, the size and specification of which are the same as those of the foregoing, shall have the same ceiling price.

SEC. 4. The ceiling prices fixed in this Order include the 7 per cent sales tax and 1 per cent municipal tax.

SEC. 5. This Order shall take effect five days from the date hereof.

Done in the City of Manila, this 3rd day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES
EXECUTIVE ORDER No. 409

TRANSFERRING THE SEAT OF GOVERNMENT OF
THE MUNICIPALITY OF BUENAVISTA, PROV-
INCE OF ILOILO, TO THE SITIO OF CALINGAO
IN THE BARRIO OF SALVACION, SAME MU-
NICIPALITY.

Pursuant to the provisions of section 68 of the Revised Administrative Code, the present seat of government of the municipality of Buenavista, Province of Iloilo, is hereby transferred to the sitio of Calingao in the barrio of Salvacion, same municipality.

Done in the City of Manila, this 7th day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 410

FIXING THE CEILING PRICES OF COMMODITIES
AND FOR OTHER PURPOSES

By virtue of the powers vested in me by section 3 of Republic Act No. 509, entitled "An Act declaring national policy, authorizing the President of the Philippines for a limited period to fix ceiling prices of commodities and to promulgate rules and regulations regarding prices of commodities to effectuate such policy, and authorizing the appropriation of a certain sum for the purpose," and upon the recommendation of the Price Administration Board, I, Elpidio Quirino, President of the Philippines, do hereby order:

SECTION 1. The following essential commodities shall not be sold at more than the maximum selling prices for importers, wholesalers and retailers set opposite each:

FOODSTUFF (IMPORTED)

Commodity	Unit	Importer's price	Wholesale price	Retail ceiling price
<i>Milk powdered:</i>				
Brook field	24/1-lb.	₱84.56/cs.	₱37.48/cs.	₱1.75/tin
Challenge	24/1-lb.	84.56/cs.	37.48/cs.	1.75/tin

FOODSTUFF (IMPORTED)—Continued

Commodity	Unit	Importer's price	Wholesale price	Retail ceiling price
<i>Spices:</i>				
Crescent Black Pepper, Ground	Doz./4-oz.	24.00/doz.	26.04/doz.	2.35/ea.
Crescent Black Pepper, Ground	Doz./2-oz.	12.40/doz.	13.45/doz.	1.20/ea.
<i>Beverage:</i>				
Roasted Ground Coffee S & W Brand	12/2#	51.73/cs.	56.12/cs.	5.23/tin

SEC. 2. Any commodity not included in any previous Executive Order fixing ceiling prices and issued by authority of Republic Act No. 509, or in this Order, the size and specification of which are the same as those of the foregoing, shall have the same ceiling price.

SEC. 3. The ceiling prices fixed in this Order include the 7 per cent sales tax and 1 per cent municipal tax.

SEC. 4. This Order shall take effect five days from the date hereof.

Done in the City of Manila, this 9th day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 411

AMENDING EXECUTIVE ORDER NUMBERED THREE HUNDRED AND THIRTY-ONE, EXECUTIVE ORDER NUMBERED THREE HUNDRED AND FORTY-THREE AND FOR OTHER PURPOSES.

By virtue of the powers vested in me by section 3 of Republic Act No. 509, entitled "An Act declaring national policy, authorizing the President of the Philippines for a limited period to fix ceiling prices of commodities and to promulgate rules and regulations regarding prices of commodities to effectuate such policy, and authorizing the appropriation of a certain sum for the purpose," and upon the recommendation of the Price Administration Board, I, Elpidio Quirino, President of the Philippines, do hereby order:

SECTION 1. Section 1 of Executive Order No. 331, dated July 7, 1950, is hereby amended by increasing and setting up new ceiling prices for Klim and Darigold Powdered Milk.

FOODSTUFF (IMPORTED)

Commodity	Unit	Importer's price	Wholesale price	Retail ceiling price
<i>Milk Powdered:</i>				
Klim	12/1-lb.	₱22.34/cs.	₱23.45/cs.	₱2.10/tin
Darigold	24/1-lb.	34.56/cs.	37.48/cs.	1.75/tin

SEC. 2. Section 1 of Executive Order No. 343, dated August 14, 1950, is hereby amended by increasing and setting up new ceiling price for Golden State Powdered Milk as follows:

FOODSTUFF (IMPORTED)

Commodity	Unit	Importer's price	Wholesale price	Retail ceiling price
<i>Milk Powdered:</i>				
Golden State	12/1-lb.	₱17.28/cs.	₱18.74/cs.	₱1.75/tin

SEC. 3. Any commodity not included in any previous Executive Order fixing ceiling prices and issued by authority of Republic Act No. 509, or in this Order, the size and specification of which are the same as those of the foregoing, shall have the same ceiling price.

SEC. 4. The ceiling prices fixed in this Order include the 7 per cent sales tax and 1 per cent municipal tax.

SEC. 5. This Order shall take effect five days from the date hereof.

Done in the City of Manila, this 10th day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 412

DESIGNATING THE NATIONAL SHIPYARDS AND STEEL CORPORATION AS THE AGENCY TO ACCEPT BIDS AND TO ENTER INTO CONTRACT WITH SUCCESSFUL BIDDERS FOR THE COLLECTION OF SCRAP IRON, STEEL, COPPER, BRASS, LEAD AND OTHER METAL PRODUCTS ON LAND OR TO COLLECT AND DISPOSE OF SAME.

By virtue of the powers vested in me by law, I, Elpidio Quirino, President of the Philippines, do hereby designate the National Shipyards and Steel Corporation to accept bids and to enter into contracts with the successful bidders for the collection of abandoned scrap iron, steel, copper, brass, lead and other metal products on land or to collect

and dispose of the same where no bidders for the collection thereof are submitted and approved.

Executive Order No. 58, dated June 9, 1947, as amended by Executive Order No. 175, dated September 16, 1948, is further amended accordingly.

Done in the City of Manila, this tenth day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 413

FIXING THE CEILING PRICE OF RED OR YELLOW CORN AND FOR OTHER PURPOSE

By virtue of the powers vested in me by section 3 of Republic Act No. 509, entitled "An Act declaring National Policy, authorizing the President of the Philippines for a limited period to fix ceiling prices of commodities and to promulgate rules and regulations regarding prices of commodities to effectuate such policy, and authorizing the appropriation of a certain sum for the purpose," and upon the recommendation of the Rice Emergency Board, I, Elpidio Quirino, President of the Philippines, do hereby order:

SECTION 1. The following essential commodity shall not be sold at more than the maximum selling price for retailers set hereunder:

FOODSTUFF (LOCAL)		
Commodity	Unit	Retail ceiling price
<i>Corn:</i>		
Red or Yellow.....	Sack/56 kilos of 25 gantas.....	₱12.00
	Per ganta	0.48

SEC. 2. This Order shall take effect five days from the date hereof.

Done in the City of Manila, this 16th day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 414

FURTHER AMENDING SECTION 5-a OF CHAPTER III OF EXECUTIVE ORDER NO. 178, DATED DECEMBER 17, 1938, ENTITLED "PRESCRIBING THE PROCEDURE, INCLUDING THE MODES OF PROOF, IN CASES BEFORE COURTS-MARTIAL, COURTS OF INQUIRY, MILITARY COMMISSIONS AND OTHER MILITARY TRIBUNALS OF THE ARMY OF THE PHILIPPINES," AS AMENDED BY EXECUTIVE ORDER NO. 47, DATED JUNE 6, 1945, AND EXECUTIVE ORDER NO. 264, DATED SEPTEMBER 8, 1949.

Paragraph 2 of section 5-a of Chapter III of Executive Order No. 178, dated December 17, 1938, as amended by Executive Order No. 47, dated June 6, 1945, and Executive Order No. 264, dated September 8, 1949, is hereby further amended to read as follows:

"Under the authority of AW 8, as amended by Republic Acts Nos. 242 and 516, the Commanding Officer of a major command or task force, the Commanding Officer of a Division, the Commanding Officer of a Military Area, the Superintendent of the Philippine Military Academy (except for the trial of an officer), and the Commanding Officer of a battalion or a larger unit, or corresponding units of the Air Force and the Navy assigned for duty in a territory beyond the jurisdiction of the Philippines, are hereby empowered to appoint general courts-martial."

Done in the City of Manila, this 16th day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 415

REORGANIZING THE GOVERNMENT QUARTERS
COMMITTEE

In order to facilitate and coordinate the use and occupancy of the National Government buildings, the construction of new quarters and the rental of privately-owned property for such purposes, I, Elpidio Quirino, President

of the Philippines, by virtue of the powers vested in me by law, do hereby create a Government Quarters Committee to be composed of the Secretary of Public Works and Communications, as chairman, and the Commissioner of the Budget and the Auditor General as members.

The powers and duties of this Committee shall be as follows:

1. To investigate and look into the matter of assignment of quarters in public buildings to the different branches of the government, departments, bureaus, offices, agencies, and instrumentalities of the National Government, and to recommend such changes in the assignment of quarters as may be deemed advisable in the interests of public service and efficiency;
2. To study and consider the advisability of renting privately-owned property for use as offices or storehouses by the National Government; and
3. To submit to the President such recommendations with respect to the construction, acquisition, use or occupancy of additional quarters that might be needed by the National Government in the City of Manila or in the provinces.

Executive Order Numbered One hundred and twenty-one, series of nineteen hundred and thirty-seven, and all other orders and regulations in conflict herewith are hereby modified accordingly.

Done in the City of Manila, this 20th day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 416

FURTHER AMENDING EXECUTIVE ORDER NO. 259,
DATED AUGUST 30, 1949, AS AMENDED BY
EXECUTIVE ORDER NO. 315, DATED MAY 5, 1950
CREATING A FIRE PREVENTION BOARD.

By virtue of the powers vested in me by law, I, Elpidio Quirino, President of the Philippines, do hereby further amend Executive Order No. 259 dated August 30, 1949, as amended by Executive Order No. 315, dated May 5, 1950, creating a Fire Prevention Board, by designating the Honorable Teofilo Sison as general chairman thereof, and Mr. Alfredo G. Eugenio as chairman of Group One (Government).

Done in the City of Manila, this 21st day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 417

FIXING THE CEILING PRICE OF ROASTED GROUND COFFEE AND FOR OTHER PURPOSES

By virtue of the powers vested in me by section 3 of Republic Act No. 509, entitled "An Act declaring national policy, authorizing the President of the Philippines for a limited period to fix ceiling prices of commodities and to promulgate rules and regulations regarding prices of commodities to effectuate such policy, and authorizing the appropriation of a certain sum for the purpose," and upon the recommendation of the Price Administration Board, I, Elpidio Quirino, President of the Philippines, do hereby order:

SECTION. 1. The following essential commodity shall not be sold at more than the maximum selling price for importers, wholesalers and retailers set opposite each:

FOODSTUFF (IMPORTED)

Commodity	Unit	Importer's price	Wholesaler's price	Retail ceiling price
Roasted ground coffee:				

Reliance 24/1-lb. ₱49.25/cs. ₱53.42/cs. ₱2.49/tin

SEC. 2. The ceiling price fixed in this Order includes the 7 per cent sales tax and 1 per cent municipal tax.

SEC. 3. This Order shall take effect five days from the date hereof.

Done in the City of Manila, this 24th day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 238

LIFTING THE SUSPENSION OF THE PRIVILEGE OF
THE WRIT OF *HABEAS CORPUS* IN CERTAIN
AREAS OF THE COUNTRY.

WHEREAS, the privilege of the writ of *habeas corpus* as regards the crimes of sedition, insurrection or rebellion, and all other crimes and offenses committed in furtherance or on the occasion thereof, or incident thereto, or in connection therewith has been suspended throughout the country under Proclamation No. 210, dated October 22, 1950; and

WHEREAS, it now appears that the conditions of peace and order in some sections of the country have so improved as to warrant the lifting of the suspension of the privilege of the writ of *habeas corpus* in said areas;

Now, THEREFORE, I, Elpidio Quirino, President of the Philippines, by virtue of the powers vested in me by law, do hereby lift the suspension of the privilege of the writ of *habeas corpus* in the following provinces: Palawan, Bohol, Romblon, Masbate, Cebu, Leyte, Samar, Zamboanga, Misamis Oriental, Misamis Occidental, Lanao, Bukidnon, Agusan, Surigao and Sulu Archipelago.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 3rd day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

[SEAL]

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
*Executive Secretary*MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 239

RESERVING FOR SUMMER RESORT PURPOSES
CERTAIN PARCELS OF THE PUBLIC DOMAIN
SITUATED IN THE CITY OF DAVAO.

Upon the recommendation of the Secretary of Agriculture and Natural Resources and pursuant to the pro-

amended, I hereby withdraw from sale or settlement and reserve for summer resort purposes, under the administration of the City of Davao, subject to private rights, if any there be, certain parcels of the public domain situated in the City of Davao, and more particularly described in the Bureau of Lands plan Ir-1029, to wit:

A parcel of land (lot 1 of plan Ir-1029, G.L.R.O. Record No. _____), situated in the district of Guianga, City of Davao. Bounded on the N., by lot 2642 of Guianga Ext. 281 and Bato Creek; on the E., by lot 2642 of Guianga Ext. Cad. 281 and lot 2 of plan Ir-1029; on the S., by Basalog Creek and lot 3 of plan Ir-1029; on the W., by lot 3 of plan Ir-1029 and lot 2988 of Guianga extension, cadastral 281, and on the NW., by Bato Creek. Beginning at a point marked "1" on plan, being N. $8^{\circ} 53' W.$, 1,051.95 m. from B.L.L.M. 48, Guianga, Cad. Ext. 281; thence N. $76^{\circ} 46' E.$, 177.67 m. to point "2"; thence S. $6^{\circ} 45' E.$, 623.57 m. to point "3"; thence S. $63^{\circ} 43' W.$, 411.21 m. to point "4"; thence N. $81^{\circ} 41' W.$, 488.82 m. to point "5"; thence N. $3^{\circ} 57' W.$, 351.42 m. to point "6"; thence N. $42^{\circ} 04' W.$, 128.36 m. to point "7"; thence N. $86^{\circ} 15' W.$, 432.64 m. to point "8"; thence S. $75^{\circ} 51' W.$, 339.18 m. to point "9"; thence N. $14^{\circ} 59' E.$, 67.54 m. to point "10"; thence N. $65^{\circ} 49' E.$, 296.65 m. to point "11"; thence N. $83^{\circ} 43' E.$, 140.48 m. to point "12"; thence N. $73^{\circ} 55' E.$, 605.32 m. to point "13"; thence N. $75^{\circ} 46' E.$, 357.25 m. to point "14"; thence N. $33^{\circ} 58' E.$, 109.20 m. to point "15"; thence S. $5^{\circ} 38' E.$, 98.48 m. to point "16"; thence S. $18^{\circ} 28' E.$, 159.86 m. to the point of beginning; containing an area of 787.662 square meters, more or less. All points referred to are indicated on the plan and are marked on the ground as follows: point "3" by intersection points "4", "12", "13" and "14" by stakes, points 6 and 7 by G.I.S. on crosses on trees; points 9 and 10 by crosses on trees and the rest by B.L. cylindrical concrete monuments; bearings true; declination $1^{\circ} 50' E.$; date of survey, October 8, 1938 and that of the approval, November 25, 1950.

NOTE: Lot 1—Lot 1235, Guianga extension, cadastral 281.

A parcel of land (lot 2 of plan Ir-1029, G.L.R.O. record No. _____), situated in the District of Guianga, City of Davao. Bounded on the N., by Lot 2683 of Bsd-3186; on the E., by lot 795 of Bsd-3186; and Basalog Creek (lot 764, Bsd-3186); on the S., by Basalog Creek; and on the W., by lot 1 of plan Ir-1029. Beginning at a point marked "1" on plan, being N. $14^{\circ} 01' W.$, 693.80 m. from B.L.L.M. 47, Guianga, Bsd-3186; thence S. $20^{\circ} 09' E.$, 22.90 m. to point "2"; thence S. $0^{\circ} 54' W.$, 91.73 m. to point "3"; thence S. $6^{\circ} 27' E.$, 105.89 m. to point "4"; thence S. $63^{\circ} 43' W.$, 48.53 m. to point "5"; thence N. $6^{\circ} 45' W.$, 623.57 m. to point "6"; thence N. $76^{\circ} 46' E.$, 11.70 m. to point "7"; thence S. $12^{\circ} 50' E.$, 391.66 m. to the point of beginning; containing an area of 23,862 square meters, more or less. All points referred to are indicated on the plan and are marked on the ground as follows: points 3 and 4 by crosses on trees, point 5 by intersection and the rest by B.L. cylindrical concrete monuments; bearings true; declination $1^{\circ} 50' E.$; date of survey, October 8, 1938 and that of the approval, November 25, 1950.

NOTE: Lot 2—Lot 2830 of Bsd-3186.

A parcel of land (lot 3 of plan Ir-1029 G.L.R.O. Record No. _____), situated in the District of Guianga, City of Davao. Bounded on the N., and E., by lot 1 of plan Ir-1029; and on the S. and SW., by Basalog Creek; beginning at a point marked "1" on plan, being N. $57^{\circ} 51' W.$, 1,547.93 m. from B.L.L.M. 48;

Guanga extension cadastral 281; thence S. $86^{\circ} 15' E.$, 432.64 m. to point "2"; thence S. $42^{\circ} 04' E.$, 128.36 m. to point "3"; thence S. $3^{\circ} 57' E.$, 351.42 m. to point "4"; thence N. $68^{\circ} 14' W.$, 141.00 m. to point "5" thence N. $77^{\circ} 20' W.$, 323.86 m. to point "6"; thence N. $70^{\circ} 12' W.$, 200.77 m. to point "7"; thence N. $42^{\circ} 12' W.$, 98.61 m. to point 8; thence N. $56^{\circ} 21' W.$, 208.74 m. to point "9" thence N. $75^{\circ} 51' E.$, 339.18 m. to the point of beginning; containing an area of 238,497 square meters, more or less. All points referred to are indicated on the plan and are marked on the ground as follows: point "2" by G.I.S. on cross on tree, point 3 by G.I.S. on tree, points 5, 7 and 8 by stakes; points 6 and 9 by crosses on trees and the rest by B.L. cylindrical concrete monuments; bearings true; declination $1^{\circ} 50' E.$; date of survey. October 8, 1938 and that of the approval, November 25, 1950.

NOTE: Lot 3—Lot 2978, of Guianga Ext., Cad. 281.

In witness whereof, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 16th day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

[SEAL]

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA

Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 240

RESERVING FOR PUBLIC SLAUGHTERHOUSE SITE PURPOSES UNDER CERTAIN CONDITIONS A CERTAIN PARCEL OF THE PUBLIC DOMAIN SITUATED IN THE BARrio OF KAPASIGAN (WAWA), MUNICIPALITY OF PASIG, PROVINCE OF RIZAL, ISLAND OF LUZON.

Upon the recommendation of the Secretary of Agriculture and Natural Resources and pursuant to the provisions of section 83 of Commonwealth Act No. 141, as amended, I hereby withdraw from sale or settlement and reserve for public slaughterhouse site purposes for a period of five years under the administration of the municipality of Pasig, subject to private rights, if any there be, a parcel of the public domain situated in the barrio of Kapasigan (Wawa), municipality of Pasig, Province of Rizal, and more particularly described in the Bureau of Lands Plan Psu-127821, to wit:

A parcel of land (as shown on plan Psu-127821, G.L.R.O. record No. _____), situated in the barrio of Kapasigan (Wawa), municipality of Pasig, Province of Rizal.

by the property of Brigido Cruz; on the east, by the properties of Domingo Valmores (lot 1, Psu-50526), Placida Tiamson (SWO-16789), Luis del Mundo (lot 2-c, Psd-22333) and Gregorio Saguitan (lot 1, Psu-50524); on the south, by Calle Blumentritt Extension (1.00 m. wide); and on the west, public land. Beginning at a point marked "1" on plan, being N. $36^{\circ} 49'$ W., 446.29 m. from B.L.L.M. No. 1, municipality of Pasig, Rizal; thence S. $6^{\circ} 57'$ W., 19.19 m. to point "2"; thence S. $11^{\circ} 27'$ W., 14.71 m. to point "3"; thence S. $83^{\circ} 08'$ E., 2.20 m. to point "4"; thence S. $6^{\circ} 18'$ W., 19.68 m. to point "5"; thence N. $82^{\circ} 52'$ W., 1.68 m. to point "6"; thence S. $0^{\circ} 41'$ W., 20.20 m. to point "7"; thence N. $84^{\circ} 13'$ W., 14.81 m. to point "8"; thence N. $79^{\circ} 44'$ W., 4.88 m. to point "9"; thence N. $6^{\circ} 03'$ E., 18.38 m. to point "10"; thence N. $6^{\circ} 05'$ E., 19.35 m. to point "11"; thence N. $3^{\circ} 35'$ E., 13.95 m. to point "12"; thence N. $0^{\circ} 52'$ W., 17.78 m. to point "13"; thence N. $85^{\circ} 41'$ E., 3.06 m. to point "14"; thence N. $85^{\circ} 36'$ E., 19.00 m. to the point of beginning; containing an area of 1,385 square meters, more or less. All points referred to are indicated on the plan and are marked on the ground as follows: points 8, 9, 10, 11, 12, 13, and 14 by PLS concrete monuments 15 by 60 cm. point 5 by old intersection and the rest by old PLS concrete monument 15 by 60 cm. bearings true; declination $0^{\circ} 50'$ E., date of survey November 18 and 19, 1950 and that of the approval January 15, 1951.

The parcel of land reserve hereunder is subject to the condition that no live animals shall be kept in the premises in accordance with the recommendation of the National Planning Commission.

In witness whereof, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 21st day of February, in the year of Our Lord, nineteen hundred and fifty-one and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 138

DISMISSING THE CHARGES AGAINST PROVINCIAL
FISCAL AMADO S. SANTIAGO OF NUEVA ECIJA

This is an administrative case against Mr. Amado S. Santiago, provincial fiscal of Nueva Ecija, who stands charged with incompetence, corruption, dereliction of duty, unauthorized practice of law, immorality and dishonesty. He is also charged with being a quarrelsome person and of violent character.

After a careful review of the record, I find that the charges have not been substantiated.

The record discloses, however, that respondent had several incidents not only with his assistants in the office but also with practising attorneys, a court clerk and a member of the provincial board. Most of these incidents would have ended not merely in an exchange of hot words but also in a physical encounter had not cooler heads intervened.

Although respondent does not consider the incidents to be of a serious nature, claiming that they were mere discussions and misunderstandings which were easily patched up soon after their occurrence, the unusual number of such incidents with different persons in Cabanatuan City cannot but reveal his utter lack of tact in his dealings with them. Nevertheless, I am convinced that he is not exactly a quarrelsome person but rather one of an impulsive type and who is easily provoked. I am also convinced that respondent was motivated in practically all these squabbles by his excessive zeal to protect the interests of his office and the personnel thereof and by what he considered was the proper discharge of his official duties. On the whole the acts imputed to respondent are not of such a character as to warrant drastic disciplinary action.

In view of the foregoing, the charges against respondent are hereby dismissed. He is, however, admonished to be more tactful in his official and private dealings with other persons, to observe calmness and self-control at all times and not to allow himself to be carried by passion even under trying circumstances.

Done in the City of Manila, this 13th day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES.

ADMINISTRATIVE ORDER No. 139

PLACING THE "SUGAR ADJUSTMENT AND STABILIZATION FUND" COLLECTED UNDER COMMONWEALTH ACT NO. 567 AT THE DISPOSAL OF THE SUGAR REHABILITATION AND READJUSTMENT COMMISSION FOR EXPENDITURE IN ACCORDANCE WITH THE PROVISIONS OF

WHEREAS, Commonwealth Act No. 567 impose certain taxes to be collected from all proprietors or operators of mills producing centrifugal sugar which shall accrue to a special fund in the Philippine Treasury known as the "Sugar Adjustment and Stabilization Fund";

WHEREAS, the President of the Philippines is authorized under Republic Act No. 582 to make disbursements from the said fund for certain purposes enumerated in the aforesaid Act and to designate the Sugar Rehabilitation and Readjustment Commission to take charge of the expenditure; and

WHEREAS, the Sugar Rehabilitation and Readjustment Commission may be authorized to carry out all the objectives enumerated in Commonwealth Act No. 567 and in Republic Act No. 582, and has actually undertaken some of these objectives, for which purpose the said Commission borrowed the sum of ₱100,000 from the defunct Philippine Relief and Trade Rehabilitation Administration, which has been succeeded by the Price Stabilization Corporation (PRISCO), to finance its work;

Now, THEREFORE, I, Elpidio Quirino, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order that all the funds so far collected under Commonwealth Act No. 567 and those to be collected in the future be placed at the disposal of the Sugar Rehabilitation and Readjustment Commission to pay the aforementioned indebtedness of ₱100,000 to the PRISCO, the balance to be expended in accordance with, and to carry out the objectives of, Republic Act No. 582.

Done in the City of Manila, this 16th day of February, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

[SEAL]

ELPIDIO QUIRINO
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

REPUBLIC ACTS

**Enacted during the Fourth Special Session of the Second Congress,
Republic of the Philippines, from January 8 to 19, 1951**

H. No. 1464

[REPUBLIC ACT NO. 591]

**AN ACT INCREASING THE ARMED FORCES OF THE
PHILIPPINES AND APPROPRIATING FUNDS
THEREFOR.**

*Be it enacted by the Senate and House of Representatives
of the Philippines in Congress assembled:*

SECTION 1. There is hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated an additional sum of twenty-five million eight hundred and forty-seven thousand five hundred eighty pesos for the Armed Forces of the Philippines for the organization, equipping, maintenance and operation of ten additional battalion combat teams of the Armed Forces of the Philippines, as hereunder specified:

SALARIES AND WAGES

1. Base and longevity pay of officers.....	₱621,800.00
2. Quarters allowance of officers	101,360.00
3. Subsistence allowance of officers at the rate of ₱1 each per day	73,300.00
4. Base pay of enlisted men	3,126,640.00
5. Quarters allowance of enlisted men	537,500.00
6. Subsistence allowance of enlisted men at the rate of ₱1 each per day	1,572,470.00
7. Clothing allowance of enlisted men.....	1,152,920.00
 Total for salaries and wages	 ₱7,185,990.00

SUNDRY EXPENSES

8. Equipment and supplies, including maintenance and operational cost.....	₱14,802,090.00
(a) Quartermaster	₱1,455,000.00
(b) Signal corps	812,500.00
(c) Medical service	158,150.00
(d) Corps of engineers	876,440.00
(e) Weapons and armaments; combat vehicles and motor transport equipment; ammunition; sup- plies and maintenance parts....	12,000,000.00
 Total	 ₱14,802,090.00

9. Housing facilities and maintenance
for officers and enlisted men on actual field
operations

963,000.00

10. Expenses for hospitalization of per-
sonnel

101,500.00

11. Intelligence and counter-intelligence, including miscellaneous and contingent expenses 1,000,000.00

Total for sundry expenses ₱16,866,590.00

SPECIAL PURPOSE

12. Additional subsistence of ₱1 per day each for officers and enlisted men on actual field operations ₱1,795,000.00

Total for special purpose ₱1,795,000.00

SUMMARY

Total for salaries and wages ₱7,185,990.00

Total for sundry expenses 16,866,590.00

Total for special purpose 1,795,000.00

Total ₱25,847,580.00

SEC. 2. No portion of the appropriations provided in this Act shall be used for the purchase of staff cars, nor for the payment of any expenses for, or of the salary of, any officer or member of the Armed Forces who has been detailed to any office or employment or assigned to duties outside of the Department of National Defense.

SEC. 3. Any balance from said appropriations may be used to defray expenses for the subsistence, hospitalization, and rehabilitation of captured or surrendered dissidents only.

SEC. 4. The appropriations authorized in this Act for equipment and supplies, or so much thereof remaining unexpended, shall not be available for expenditure except for purposes mentioned in section three hereof, whenever the equipment and supplies for which said appropriations are intended are obtainable under the provisions of the military assistance pact between the Government of the Republic of the Philippines and the Government of the United States.

SEC. 5. This Act shall take effect upon its approval.

Approved, January 19, 1951.

H. No. 1443

[REPUBLIC ACT No. 592]

AN ACT TO AMEND SECTIONS ONE HUNDRED AND THIRTY-THREE AND ONE HUNDRED THIRTY-FIVE OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED AND SIXTY-SIX, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section one hundred and thirty-three of Commonwealth Act Numbered Four hundred and sixty-six, as amended, is hereby further amended to read as follows:

"SEC. 133. Specific tax on distilled spirits.—On distilled spirits there shall be collected subject to the provisions of section one hundred and twenty-eight of this Act, except as hereinafter provided, specific taxes as follows:

"(a) If produced from sap of the nipa, coconut, cassava, camote, or buri palm, or from the juice, syrup, or sugar of the cane, per proof liter, seventy centavos;

"(b) If produced from any other materials, per proof liter, ten pesos.

"This tax shall be proportionally increased for any strength of the spirits taxed over proof spirits.

"'Distilled spirits', as here used, include all substances known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wines, which are commonly produced by the fermentation and subsequent distillation of grain, starch, molasses, or sugar, or of some syrup or sap, including all dilutions or mixtures.

"'Proof spirits' is liquor containing one-half of its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten-thousandths at fifteen degrees centigrade. A proof liter means a liter of proof spirits."

SEC. 2. Section one hundred and thirty-five of Commonwealth Act Numbered Four hundred and sixty-six, as amended, is hereby further amended to read as follows:

"SEC. 135. Specific tax on fermented liquors.—On beer, lager beer, ale, porter, and other fermented liquors, except *tuba*, *basi*, *tapuy* and similar domestic fermented liquors, there shall be collected, on each liter of volume capacity, twenty-five centavos."

SEC. 3. Date of effectivity.—This Act shall take effect on January 1, 1951.

Approved, January 30, 1951.

H. No. 1491

[REPUBLIC ACT NO. 593]

AN ACT TO FURTHER AMEND SUBPARAGRAPHS (1), (2) AND (3) OF SUBSECTION (b) OF SECTION ONE HUNDRED THIRTY-SEVEN OF THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subparagraphs (1), (2) and (3) of subsection (b) of section one hundred thirty-seven of Commonwealth Act Numbered Four hundred sixty-six, otherwise known as the National Internal Revenue Code, as amended, are hereby further amended so that said subsection shall have only two subparagraphs, which shall read as follows:

"(1) Locally manufactured cigarettes made of locally grown leaf tobacco wrapped in tinfoil or cellophane or packed in cartons covered with paraffin or wax paper, on each thousand, eight pesos.

"(2) On cigarettes made of imported tobacco leaf wrapped in tinfoil or cellophane or packed in cartons covered with paraffin or wax paper or in tin can, on each thousand, ten pesos, but if the cigarettes are mechanically packed, twenty-two pesos."

H. No. 1451

[REPUBLIC ACT NO. 594]

AN ACT TO AMEND CERTAIN SECTIONS OF THE NATIONAL INTERNAL REVENUE CODE RELATING TO PRIVILEGE TAXES ON BUSINESS.*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Paragraph (B) of section one hundred eighty-three of Commonwealth Act Numbered Four hundred sixty-six, otherwise known as the National Internal Revenue Code, as amended by Republic Act Numbered Two hundred fifty-three, is hereby further amended to read as follows:

“(B) *Sales tax on imported articles.*—When the articles are imported, the percentage taxes established in sections one hundred eighty-four, one hundred eighty-five, and one hundred eighty-six of this Code shall be paid in advance by the importer, in accordance with regulations promulgated by the Secretary of Finance and prior to the release of such articles from customs' custody, based on the import invoice value thereof, certified to as correct by the Philippine Consul at the port of origin if there is any, including freight, postage, insurance, commission, customs duty, and all similar charges, plus one hundred *per centum* of such total value in the case of articles enumerated in section one hundred and eighty-four; fifty *per centum* in the case of articles enumerated in section one hundred and eighty-five; and twenty-five *per centum* in the case of articles enumerated in section one hundred and eighty-six. The tax imposed in this section shall not apply to articles to be used by the importer himself in the manufacture or preparation of articles subject to specific tax or those for consignment abroad and are to form part thereof.”

SEC. 2. Section one hundred eighty-four of Commonwealth Act Numbered Four hundred and sixty-six, as amended by Republic Act Numbered Five hundred eighty-eight is hereby further amended to read as follows:

“SEC. 184. *Percentage tax on sales of jewelry, automobiles, toilet preparations, and others.*—There shall be levied, assessed, and collected once only on every original sale, barter, exchange, or similar transaction for nominal or valuable considerations intended to transfer ownership of, or title to, the articles herein below enumerated a tax equivalent to fifty *per centum* of the gross value in money of the articles so sold, bartered, exchanged, or transferred, such tax to be paid by the manufacturer or producer: *Provided*, That where the articles are manufactured out of materials subject to tax under this section, the total cost of such materials, as duly established, shall be deductible from the gross selling price or gross value in money of the manufactured articles:

“(a) Automobile chassis and bodies, the selling price of which exceed five thousand pesos but does not exceed seven thousand pesos: *Provided*, That where the selling price of an automobile exceeds seven thousand pesos the same shall be taxed at the rate of seventy-five *per centum* of such selling price. A sale of automobile shall, for the purpose of this section, be considered to be a sale of the chassis and of the body together with parts and accessories with

“(b) All articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof or ivory (not including surgical instruments, silver-plated wares, frames or mountings for spectacles or eyeglasses, and dental gold or gold alloys and other precious metals used in filling, mounting or fitting of the teeth); opera glasses, and lorgnettes;

“(c) Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair-dressings, hair restoratives, hair dyes, and any similar substance, article, or preparations, by whatsoever name known or distinguished, except tooth and mouth washes, dentrifices, tooth paste, and talcum or medicated toilet powders; and any of the above which are used or applied or intended to be used or applied for toilet purposes: *Provided*, That the tax herein imposed shall not apply to toilet preparations on which the specific tax established in section one hundred and twenty-seven has been paid;

“(d) Dice and mahjong sets;

“(e) Beauty parlor equipment and accessories; and

“(f) Polo mallets and balls; golf bags, clubs and balls; and chess and checker boards and pieces.”

SEC. 3. Section one hundred eighty-five of Commonwealth Act Numbered Four hundred and sixty-six as last amended by section two of Republic Act Numbered Five hundred and eighty-eight, is hereby further amended to read as follows:

“SEC. 185. *Percentage tax on sales of automobiles, sporting goods, refrigerators, and others.*—There shall be levied, assessed, and collected once only on every original sale, barter, exchange, or similar transaction intended to transfer ownership of, or title to, the articles herein below enumerated, a tax equivalent to thirty *per centum* of the gross selling price or gross value in money of the articles so sold, bartered, exchanged or transferred, such tax to be paid by the manufacturer or producer: *Provided*, That where articles are manufactured out of materials subject to tax under this section and section one hundred and eighty-six, the total cost of such materials, as duly established, shall be deductible from the gross selling price or gross value in money of the manufactured articles:

“(a) Automobile chassis and bodies, the selling price of which does not exceed five thousand pesos. A sale of automobile shall, for the purposes of this section, be considered to be a sale of the chassis and of the body together with parts and accessories with which the same are usually equipped;

“(b) Watches and clocks, the value of which exceeds fifty pesos each; marine glasses, field glasses, binoculars; and cinematographic films of not more than eight millimeters in width;

“(c) Fishing rods and reels;

“(d) Celluloid and bakelite;

“(e) Refrigerators of more than seven cubic feet: *Provided*, That refrigerators of seven cubic feet or less shall be taxed at the rate of twenty *per centum* of the selling price;

“(f) Beverage coolers, ice cream cabinets, water coolers.

and mild cooler cabinets, each such article having or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or other means;

"(g) Phonographs, combination radio and phonograph sets; phonograph records; juke boxes, gramophones and similar articles for reproducing music;

"(h) Firearms, parts and accessories; and cartridges or other forms of ammunition: *Provided, however,* That no tax shall be collected on .22-caliber firearms and cartridges as well as other forms of ammunition sold and delivered directly to the Armed Forces of the Philippines and any government instrumentality or agency as well as any organization and persons engaged in maintaining peace and order for their actual use or issue;

"(i) Electric fans and air circulators (except those specially adopted for industrial use); electric, gas or oil water heaters; electric flat irons, electric, gas or oil appliances of the type used for cooking, warming, or keeping warm food or beverage for consumption on the premises; electric mixers, whippers, and juicers; and household type electric vacuum cleaners: *Provided,* That electric flat irons the selling price of which does not exceed fifty pesos, shall be taxed at the rate of twenty *per centum*.

"(j) Unexposed photographic films (including motion picture films but not including X-Ray films); photographic plates and sensitized paper; photographic apparatus and equipment; and any apparatus or equipment designed especially for use in the taking of photographs or motion picture or in the developing, printing, or enlarging of photographs or motion picture films. Under this classification, the tax shall be twenty *per centum*.

"(k) Neon-tube signs, electric signs, and electric advertising devices;

"(l) Washing machines of all types;

"(m) Air-conditioning units and parts or accessories thereof;

"(n) Mechanical lighters;

"(o) Upholstered furniture (except rattan); tables, desks, chairs, showcases, bookcases, lockers, and cabinets (other than filing cabinets) of which wood, rattan or bamboo is not the component material of chief value, but not including iron or steel chairs and tables costing not more than six pesos each and medical or dental equipment or apparatus;

"(p) Textiles in the piece, wholly or in chief value of silk, wool, linen or nylon; wool and silk hats; and furs and manufactures thereof;

"(q) Fountain pens and parts or accessories thereof the gross selling price of which exceeds fifteen pesos: *Provided,* That if their selling price does not exceed fifteen pesos, they shall be taxed at the rate prescribed in section one hundred and eighty-six hereof."

SEC. 4. Section one hundred and eighty-six of Commonwealth Act Numbered Four hundred and sixty-six, as amended, is hereby further amended to read as follows:

"SEC. 186. *Percentage tax on sales of other articles.*—There shall be levied, assessed, and collected once only on every original sale, barter, exchange and similar transaction either for nominal or valuable considerations to transfer ownership of, or title to, the articles not enumerated in section one hundred and eighty-four and one

hundred and eighty-five, a tax equivalent to seven *per centum* of the gross selling price or gross value in money of the articles so sold, bartered, exchanged, or transferred, such tax to be paid by the manufacturer or producer: *Provided*, That where the articles are manufactured out of materials subject to tax under this section, the total cost of such materials, as duly established, shall be deductible from the gross selling price or gross value in money of the manufactured articles: *Provided, further*, That with respect to all forest products whether manufactured or in the original form, a tax equivalent to five *per centum* only of the selling price or gross value in money shall be levied, assessed, and collected.

"In the case of operators or proprietors of sawmills, who buy logs for the purpose of sawing and/or cutting them into lumber of standard sizes, the tax prescribed in this section shall be computed on thirty-three and one-third *per centum* of the gross cost of logs purchased during any given quarter intended for manufacture. Operators or proprietors of sawmills entitled to the privilege of paying the tax on thirty-three and one-third *per centum* of the gross cost of the logs purchased, including freight, insurance, and similar charges incurred up to the delivery to mill site, by them shall keep a complete record of their transactions, especially their purchase of logs together with the corresponding vouchers, such as official and auxiliary invoices, or the commercial invoices of the products from whom they purchased the logs, in cases where the logs purchased constitute merely a portion of the logs covered by an official invoice, in which commercial invoices the assessment numbers of the official invoices covering the logs and the names and addresses of the vendors shall be indicated. They shall also keep a complete record of lumber purchased by them for resale."

SEC. 5. Section one hundred eighty-eight of Commonwealth Act Numbered Four hundred sixty-six, as amended, is hereby further amended to read as follows:

"SEC. 188. *Transactions and persons not subject to percentage tax.*—In computing the tax imposed in sections one hundred eighty-four, one hundred eighty-five, and one hundred eighty-six, transactions in the following commodities shall be excluded:

"(a) Things subject to tax under Title IV of this Code.
"(b) Agricultural products and the ordinary salt when sold, bartered, or exchanged in this country by the producer or owner of the land where produced, whether in their original state or not.

"(c) Minerals and mineral products when sold, bartered, or exchanged in this country by the lessee, concessionaire, or owner of the mineral land from which removed.

"(d) Articles subject to tax under section one hundred eighty-nine of this Code.

"The following persons shall be exempt from the percentage taxes imposed in sections one hundred eighty-four, one hundred eighty-five, and one hundred eighty-six:

"(a) Persons whose gross quarterly sales or receipts do not exceed four hundred fifty pesos.

"(b) All persons engaged in public market places exclusively in the sale at retail of domestic meat, fruits, vegetables, game, poultry, fish and other domestic food products.

"(c) Peddlers and sellers at fixed stands and other similar selling places engaged exclusively in the sale at retail of domestic meat, fruits, vegetables, game, poultry, fish, and similar domestic food products, whose total stock in trade in any one day does not reach a retail value of fifty pesos.

"(d) Producers of commodities of all classes working in their own homes, consisting of parents and children living as one family, when the value of each day's production by each person capable of working is not in excess of five pesos.

"(e) Persons importing articles under the contract for the exclusive use of the Armed Forces of the Philippines."

SEC. 6. *Date of effectivity.*—This Act shall take effect upon its approval.

Approved, February 16, 1951.

RESOLUTIONS OF CONGRESS

Adopted during the Second Session of the Second Congress, Republic of the Philippines, which commenced on January 22, 1951

S. Ct. R. No. 20

[CONCURRENT RESOLUTION NO. 20]

CONCURRENT RESOLUTION AUTHORIZING THE APPOINTMENT OF A JOINT COMMITTEE OF BOTH HOUSES TO NOTIFY THE PRESIDENT OF THE PHILIPPINES THAT THE CONGRESS IS NOW ASSEMBLED IN SECOND SESSION AND IS READY TO RECEIVE HIS MESSAGE.

Resolved by the Senate, the House of Representatives of the Philippines concurring, To authorize, as it hereby authorizes, the appointment of a joint committee of both Houses of the Congress to be composed of six members, three to be appointed by the President of the Senate, and the other three by the Speaker of the House of Representatives, to notify the President of the Philippines that the Congress is now assembled in second session and is ready to receive any such communication as the Chief Executive may deem fit to send.

Adopted, January 22, 1951.

H. Ct. R. No. 70

[CONCURRENT RESOLUTION NO. 22]

CONCURRENT RESOLUTION PROVIDING THAT THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE PHILIPPINES HOLD A JOINT SESSION IN HONOR OF THE PRESIDENT OF THE REPUBLIC OF INDONESIA.

Resolved by the House of Representatives of the Philippines, the Senate concurring, That both Houses of the Congress of the Philippines hold a joint session on January twenty-nine, nineteen hundred and fifty-one, at ten o'clock in the morning in the Session Hall of the House of Representatives in honor of the President of the Republic of Indonesia.

Adopted, January 26, 1951.

H. Ct. R. No. 65
S. Ct. R. No. 19

[CONCURRENT RESOLUTION NO. 23]

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS OF THE PHILIPPINES TO GIVE PREFERENTIAL AND SERIOUS CONSIDERATION TO THE MAIN RECOMMENDATIONS OF THE ECONOMIC SURVEY MISSION TO THE PHILIPPINES.

Resolved by the House of Representatives of the Philippines, the Senate concurring, To declare that it is the sense of Congress that preferential and serious consideration should be given to the main recommendations of the Economic Survey Mission to the Philippines with a view to accelerating by further legislation such social reform, economic development, and other measures as will strengthen democratic and free institutions in the Philippines.

Adopted, February 2, 1951.

DEPARTMENT AND BUREAU ADMINISTRATIVE ORDERS AND REGULATIONS

Department of Finance

REVENUE REGULATIONS NO. V-11

March 1, 1951

REGULATIONS GOVERNING THE AFFIXTURE OF INTERNAL REVENUE STAMPS TO IMPORTED CIGARETTES

To all Internal Revenue Officers and others concerned:

SECTION 1. Scope.—In accordance with the provisions of Republic Act No. 569, amending section 137 of Commonwealth Act No. 466, otherwise known as the National Internal Revenue Code, as amended, the following regulations relative to the affixture in the country of origin of internal revenue stamps to tobacco products are hereby promulgated and shall be known as "Regulations Governing the Affixture of Internal Revenue Stamps to Imported Cigarettes".

SEC. 2. Tobacco products affected by these regulations.—These regulations shall apply only to cigarettes imported into the Republic of the Philippines. As regards other imported products of tobacco, the present procedure of importation and payment of the specific taxes due before removal of the articles from customs custody shall continue in force.

SEC. 3. Amount of specific tax on imported cigarettes.—Inasmuch as all imported cigarettes are mechanically packed, the specific tax due thereon is twenty-two pesos per thousand cigarettes in accordance with section 137 of the National Internal Revenue Code, as amended by Republic Act No. 593 which took effect on January 30, 1951, the pertinent provision of which reads as follows:

"(2) On cigarettes made of imported leaf tobacco wrapped in tinfoil or cellophane or packed in cartons covered with paraffin or wax paper, or in tin cans, on each thousand, ten pesos, but if the cigarettes are mechanically packed, twenty-two pesos."

SEC. 4. Denomination of stamps.—The following denominations of stamps may be purchased from the Collector of Internal Revenue for affixture to imported cigarettes:

(1) Twenty-two centavo denomination for affixture to packs containing ten cigarettes.

(2) Forty-four centavo denomination for affixture to packs containing twenty cigarettes.

(3) One peso and ten centavo denomination for affixture to tins containing fifty cigarettes.

SEC. 5. Mode of affixing internal revenue stamps.

—Internal revenue stamps for cigarettes put up in packs of ten or twenty cigarettes or in tins of fifty cigarettes shall be firmly and securely affixed across the upper end of the pack or tin and overlapping both sides of the immediate container before the same is wrapped in cellophane or transparent wrapper in such a manner as to effectually seal the container and prevent the removal of the cigarettes without breaking the stamp.

SEC. 6. Purchase and transmittal of stamps to manufacturers.—Importers of cigarettes of foreign manufacture shall present to the Collector of Internal Revenue their import licenses together with a request for delivery of the required internal revenue stamps. Upon approval of this request, the importer shall obtain his stamp requirements for transmittal to the manufacturer. Upon receipt of such stamps the manufacturer shall affix the stamps to shipments destined for the Republic of the Philippines in accordance with the provisions of Section 5 of these regulations.

SEC. 7. Identifying mark to be printed on every pack or tin of imported cigarettes.—To each pack or tin of cigarettes, there shall be printed on the immediate container in bold conspicuous letters the following words:

"For Export to the Philippines,"

No cigarettes shall be cleared through customs or postal custody the immediate containers of which do not bear this label or inscription.

SEC. 8. Treatment of imported cigarettes not bearing Philippine internal revenue stamps or identifying label or inscription.—If despite the requirements in Sections 7 and 10 of these regulations, an importer of cigarettes holding an import control license is able to import cigarettes without Philippine internal revenue stamps or the identifying label or inscription, said imported cigarettes shall be placed in a bonded warehouse under customs custody and at cost to the importer. Before the cigarettes are allowed to be removed from customs custody, the importer shall unpack the cigarettes and affix the requisite internal revenue stamp to each and every pack or tin in the manner prescribed in Section 5 hereof and to cause to be printed the identifying label or inscription on every wrapper or container required in Section 7 of these regulations.

SEC. 9. Certification by manufacturer of affixture of stamps.—Every consular and/or commercial invoice accompanying a shipment of cigarettes for export to the Philippines on which payment of the specific tax due has been attested in the manner prescribed in Section 5 of these regulations shall contain the following certificate signed by the manufacturer or his representative:

"I hereby certify that in accordance with the provisions of Revenue Regulations, No. V-11 of the Bureau of Internal Revenue, Republic of the Philippines, Philippines revenue stamps attesting payment of the specific tax due have been affixed to the containers of cigarettes covered by this document in the manner prescribed by Section 5 of the said regulations."

SEC. 10. Method of purchasing stamps and procedure for the refund of the money value of unused or mutilated stamps.—Importers may at their option pay for the full value of the internal revenue stamps in cash at the time of taking delivery of the stamps or they may file with the Collector a good and sufficient bond also for the full value of the stamps, conditioned upon the payment of the said value within 90 days from the filing of the said bond.

The money value of stamps mutilated or destroyed in the process of affixture shall be refunded by the Bureau of Internal Revenue in accordance with section 309 of the National Internal Revenue Code. A sworn statement by the manufacturer setting forth the quantity, denomination and class (and serial numbers if any) of the stamps mutilated or destroyed, shall be prepared and submitted in a form and manner prescribed by the Collector of Internal Revenue. Requests for credit or refund of the value of internal revenue stamps returned in good condition by the purchaser shall be made in writing and filed with the Collector of Internal Revenue within two years after the purchase of the stamps.

SEC. 11. Collection of specific tax on cigarettes intended for personal use of importer or as sample or gift.—Importers or consignees of cigarettes manufactured abroad and received through postal channels, when such importations are intended as commercial sample, gift or for the personal use of the importer or consignee, shall purchase the required value of internal revenue stamps and affix them to the packs or tins of cigarettes before removal from customs or postal custody. It shall be the duty of customs and postal officers to verify that internal revenue stamps in an amount corresponding to the specific tax due are affixed to the containers in the manner prescribed in section 5 of these regulations, prior to their removal from customs or postal custody.

SEC. 12. Report of stock of unstamped imported cigarettes.—Within 30 days from the date of the

promulgation of these regulations in the *Official Gazette*, importers and wholesalers of imported cigarettes shall report in writing to the Collector of Internal Revenue the quantity, type and brand of unstamped cigarettes in stock. Any stock remaining unsold 90 days from the effective date of these regulations shall likewise be reported. Moreover, said stock should be brought to the Bureau of Internal Revenue, if in Manila, or to the nearest internal revenue officer, if in the province, where each and every original container, upon proof that the contents are taxpaid, shall be identified by stamping or writing the following words:

These cigarettes were imported into the Philippines before the promulgation of Revenue Regulations No. V-11.

.....,
(Place) (Date) 19.....

.....
(Internal Revenue Officer)

.....
(Title)

Any package of cigarettes found after the said period of ninety days not bearing this inscription shall be confiscated and forfeited to the Government, and the possessor thereof subject to the penalties provided in section 174 of the National Internal Revenue Code for unlawful possession of articles subject to specific tax.

SEC. 13. Date of effectivity.—These regulations shall take effect upon their promulgation in the *Official Gazette*.

PIO PEDROSA
Secretary of Finance

Recommended by:

S. DAVID
Collector of Internal Revenue

Department of Justice

ADMINISTRATIVE ORDER NO. 18

February 1, 1951

AUTHORIZING CADASTRAL JUDGE S. V. CEA TO HOLD COURT IN TACLOBAN, LEYTE

In the interest of the administration of justice and pursuant to the provisions of section 56 of Republic Act No. 296, the Honorable S. V. Cea, Cadastral Judge, is hereby authorized to hold court in Tacloban, Province of Leyte, as soon as practicable, for the purpose of trying all kinds of cases and to enter judgments therein.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER NO. 20

February 1, 1951

AUTHORIZING EUSEBIO CACHERO, JUDICIAL OFFICER, AND LEON G. JAYME, ASSISTANT CHIEF, FINANCE AND STATISTICS DIVISION, TO SIGN FOR THE SECRETARY OF JUSTICE IN CERTAIN CASES.

Pursuant to the provisions of sections 615 and 616 of the Revised Administrative Code, Mr. Eusebio Cachero, Judicial Officer, Division of Courts, Finance and Statistics, Department of Justice, is hereby authorized to sign vouchers, transportation orders and check portions of all Treasury warrants drawn against the appropriation of this Department, signing as follows:

For the Secretary of Justice:

EUSEBIO CACHERO
Judicial Officer

In the absence of Mr. Eusebio Cachero, Mr. Leon G. Jayme, Assistant, same Division, is likewise authorized to sign vouchers, transportation orders and check portions of all treasury warrants drawn against the appropriations of this Department, signing as follows:

For the Secretary of Justice:

LEON G. JAYME
Assistant

Courts, Finance and Statistics Division

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER NO. 25

February 5, 1951

AUTHORIZING JUDGE EDILBERTO SORIANO OF THE EIGHTH JUDICIAL DISTRICT TO HOLD COURT IN BATANGAS, BATANGAS.

In the interest of the administration of justice and pursuant to Administrative Order No. 134 of this Department, dated July 22, 1948, last paragraph, the Honorable Edilberto Soriano, Judge of the Eighth Judicial District, Batangas, First Branch, is hereby authorized to try in Batangas, Batangas, the criminal case entitled "People vs. Manuel Recto, et al." of the Second Branch of the Court of First Instance of said province, and to enter judgment therein.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER NO. 26

February 6, 1951

AUTHORIZING JUDGE-AT-LARGE JULIO A. VILLAMOR TO HOLD COURT IN PANGANIBAN AND PANDAN, CATANDUANES.

In the interest of the administration of justice and pursuant to the provisions of section 56 of Republic Act No. 296, the Honorable Julio Villamor, Judge-at-Large, is hereby authorized to hold court

in the municipalities of Panganiban and Pandan, Province of Catanduanes, during the month of March, 1951, for the purpose of trying all kinds of cases and to enter judgments therein.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER NO. 27

February 6, 1951

DESIGNATING SPECIAL ATTORNEY BENJAMIN K. GOROSPE TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES IN THE FIFTEENTH JUDICIAL DISTRICT.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Benjamin K. Gorospe, Special Attorney, is hereby designated to assist the provincial and city fiscals and attorneys in the Sixteenth Judicial District in the investigation and prosecution of all kinds of criminal cases, effective immediately and to continue until further orders. His official station will be at Davao City.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER NO. 28

February 6, 1951

DESIGNATING DISTRICT ATTORNEY BARTOLOME I. VIOLA TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES IN THE FIFTEENTH JUDICIAL DISTRICT.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Bartolome I. Viola, District Attorney, is hereby designated to assist the provincial and city fiscals and attorneys in the Fourteenth and Fifteenth Judicial Districts in the investigation and prosecution of all kinds of criminal cases, effective upon the termination of his assignment under Administrative Order 167, dated December 12, 1950, and to continue until further orders. His official station will be at Cebu City.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER NO. 29

February 6, 1951

DESIGNATING SPECIAL ATTORNEY AGAPITO R. CONCHU TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES IN THE EIGHTH, NINTH AND TENTH JUDICIAL DISTRICTS.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Agapito R. Conchu, Special Attorney, is hereby designated to assist the provincial and city fiscals and attorneys in the Eighth,

Ninth and Tenth Judicial Districts in the investigation and prosecution of all kinds of criminal cases, effective immediately and to continue until further orders. His official station will be at Calamba, Laguna.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 30

February 6, 1951

DESIGNATING SPECIAL ATTORNEY GODOFREDO ESCALONA TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES IN THE ELEVENTH AND TWELFTH JUDICIAL DISTRICTS.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Godofredo Escalona, Special Attorney, is hereby designated to assist the provincial and city fiscals and attorneys in the Eleventh and Twelfth Judicial Districts in the investigation and prosecution of all kinds of criminal cases, effective immediately and to continue until further orders. His official station will be at Iloilo City.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 31

February 6, 1951

DESIGNATING DISTRICT ATTORNEY LUIS PANAGUITON TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES IN THE THIRTEENTH JUDICIAL DISTRICT.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Luis Panaguiton, District Attorney, is hereby designated to assist the provincial and city fiscals and attorneys in the Thirteenth Judicial District in the investigation and prosecution of all kinds of criminal cases, effective immediately and to continue until further orders. His official station will be at Tacloban, Leyte.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 32

February 6, 1951

DESIGNATING DISTRICT ATTORNEY VICENTE PERRIN TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES IN THE EIGHTH, NINTH AND TENTH JUDICIAL DISTRICTS.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Vicente Perrin, District

Attorney, is hereby designated to assist the provincial and city fiscals and attorneys in the Eighth, Ninth and Tenth Judicial Districts in the investigation and prosecution of all kinds of criminal cases, effective immediately and to continue until further orders. His official station will be at Naga City.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 33

February 6, 1951

DESIGNATING DISTRICT ATTORNEY FEDERICO B. ALFONSO TO ASSIST THE CITY FISCAL OF MANILA IN THE INVESTIGATION AND PROSECUTION OF TREASON CASES.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Federico B. Alfonso, District Attorney, is hereby designated to assist the city fiscal of Manila in the investigation and prosecution of treason cases, effective immediately and to continue until further orders.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 34

February 6, 1951

DESIGNATING DISTRICT ATTORNEY FEDERICO B. ALFONSO TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES IN THE FIFTH AND SEVENTH JUDICIAL DISTRICTS.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Federico B. Alfonso, District Attorney, is hereby designated to assist the provincial and city fiscals and attorneys in the Fifth and Seventh Judicial Districts in the investigation and prosecution of all kinds of criminal cases, effective immediately and to continue until further orders. His official station will be at Manila.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 35

February 6, 1951

DESIGNATING SPECIAL ATTORNEY VICTOR G. SANTILLAN TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES IN THE THIRD AND FOURTH JUDICIAL DISTRICTS.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Victor G. Santillan, Special Attorney, is hereby designated to assist the provincial and city fiscals and attorneys in the

Third and Fourth Judicial Districts in the investigation and prosecution of all kinds of criminal cases, effective immediately and to continue until further orders. His official station will be at Dagupan City.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 36

February 6, 1951

DESIGNATING DISTRICT ATTORNEY ISIDRO L. VEJUNCO TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES IN THE FIRST AND SECOND JUDICIAL DISTRICTS.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Isidro L. Vejunco, District Attorney, is hereby designated to assist the provincial and city fiscals and attorneys in the First and Second Judicial Districts in the investigation and prosecution of all kinds of criminal cases, effective immediately and to continue until further orders. His official station will be at Baguio City, Mountain Province.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 37

February 12, 1951

DESIGNATING MR. MARIANO C. MORALES (ATTORNEY ON DETAIL), TO ASSIST THE PROVINCIAL FISCAL OF TARLAC IN THE INVESTIGATION AND PROSECUTION OF CERTAIN CASES.

In the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Mariano C. Morales, attorney on detail, is hereby designated to assist the Provincial Fiscal of Tarlac, Fourth Judicial District, in the investigation and prosecution of the following treason cases, effective immediately and to continue until further orders:

People vs. Marcelo Eleazar, criminal case No. 464.

People vs. Esperanza Tañedo Manawal, criminal case No. 439.

People vs. Isabelo Lorenzo, criminal case No. 462.

People vs. Dalmacio Gatdula, criminal case No. 463.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 38

February 14, 1951

DESIGNATING PROVINCIAL FISCAL DIOSDADO BACOLOD OF MISAMIS OCCIDENTAL TO ASSIST THE PROVINCIAL FISCAL OF SURIGAO IN THE PROSECUTION OF THE ARSON CASE, ETC., IN CONNECTION WITH THE BURNING OF THE CAPITOL BUILDING OF SURIGAO.

In the interest of the public service, and pursuant to the provisions of section 1686 of the Revised Administrative Code, Mr. Diosdado Bacolod, Provincial Fiscal of Misamis Occidental, is hereby designated to assist the Provincial Fiscal of Surigao, in the prosecution of the arson and four other allied cases in connection with the burning of the provincial capitol of Surigao.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 39

February 14, 1951

DESIGNATING ASSISTANT PROVINCIAL FISCAL AMADO GADOR AS ACTING PROVINCIAL FISCAL OF MISAMIS OCCIDENTAL.

In the interest of the public service and pursuant to the provisions of section 1679 of the Revised Administrative Code, Mr. Amado Gador, Assistant Provincial Fiscal of Misamis Occidental, is hereby designated Acting Provincial Fiscal of Misamis Occidental, effective March 12, 1951, and to continue only during the assignment of Fiscal Diosdado Bacolod to Surigao.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER No. 40

February 19, 1951

AUTHORIZING JUDGE SEGUNDO MARTINEZ OF THE THIRD JUDICIAL DISTRICT TO HOLD COURT IN DAGUPAN CITY.

In the interest of the administration of justice and pursuant to the request of Judge Segundo Martinez of the Third Judicial District, Pangasinan and Zambales, Fourth Branch, he is hereby authorized to hold court in Dagupan City, during the month of April, 1951, to continue with the trial of the following criminal cases and to enter judgments therein:

Criminal case No. 18633—"People vs. Benjamina Casipit et al." for adultery;

Criminal case No. 18677—"People vs. Artemio Garcia et al." and

Criminal case No. 18684—"People vs. Teofilo Viado et al." for robbery in band.

JOSE P. BENGZON
Secretary of Justice

ADMINISTRATIVE ORDER NO. 41

February 17, 1951

**AUTHORIZING JUDGE-AT-LARGE TEODORO CAMACHO
TO HOLD COURT IN NUEVA ECIJA**

In the interest of the administration of justice and pursuant to the provisions of section 56 of Republic Act No. 296, the Honorable Teodoro Camacho, Judge-at-Large, is hereby authorized to hold court in the Province of Nueva Ecija, as soon as practicable, for the purpose of trying all kinds of cases and to enter judgments therein.

JOSE P. BENGZON
Secretary of Justice

**Department of Agriculture and
Natural Resources**

BUREAU OF FISHERIES

FISHERIES ADMINISTRATIVE ORDER NO. 26

December 8, 1950

**COLLECTION OF FEES INCIDENT TO THE FILING AND
DISPOSITION OF PROTESTS, APPEALS, AND OTHER
PETITIONS IN CONNECTION WITH THE AD-
MINISTRATIVE SETTLEMENT OF CLAIMS AND CON-
FLICTS ON PUBLIC FISHPONDS OR FISHERY
CONCESSIONS, ETC., AND OF CONTROVERSIES ON
THE PRIVATE DOMAIN OF THE REPUBLIC OF
THE PHILIPPINES UNDER THE ADMINISTRATION
OF THE BUREAU OF FISHERIES.**

1. Pursuant to the provisions of section 79 (b) of the Revised Administrative Code, and of section 4 of Act 4003, as amended by Commonwealth Act 471, otherwise known as "An Act to amend and compile the laws relating to fish and other aquatic resources of the Philippine Islands, and for other purposes"; and in order to regulate the filing and disposition of claims or protests involving fishpond applications, leases, contracts, fishery concessions, etc., and the prosecution of appeals or other petitions against decisions or orders of the Director of Fisheries, as provided in Fisheries Administrative Order No. 22; the following fees shall be collected in the manner prescribed hereunder:

(a) *Protest or claims.*—For the filing of a protest or claim required under paragraph No. 4 of Fisheries Administrative Order No.

22, dated November 18, 1947, a fee of ₱10 shall be paid by the claimant before the protest or claim is docketed.

This fee shall be collected and properly received for by the Director of Fisheries or his duly authorized representative if the protest or claim is filed in Manila or by the District Fishery Officer or the Officer-in-Charge of a District Office or sub-station, or his representative, if the protest is filed in the province. In case the fee is paid in any district or provincial unit, the receipt or certificate for its payment should be attached to the protest or claim when said protest or claim is forwarded to the Central Office.

(b) *Motion for reconsideration.*—For every motion for reconsideration as provided for in paragraph No. 11 of Fisheries Administrative Order No. 22, a fee of ₱10 shall be paid by the party seeking the reconsideration before any action will be taken on the motion for reconsideration. Payment shall be made simultaneously with the filing of the motion for reconsideration. Subsequent motions for reconsideration shall be subject to the same fee.

(c) *Appeals.*—For filing an appeal from the decision or order of the Director of Fisheries to the Secretary of Agriculture and Natural Resources, under paragraph No. 3 of Fisheries Administrative Order No. 22, a fee of ₱10 shall be paid by the appellant either to the Secretary of Agriculture and Natural Resources or to the Director of Fisheries or their respective duly authorized representatives. Failure to pay the fee within 10 days from the date the notice of appeal is filed may be sufficient ground for dismissing or dropping the appeal.

(d) *Orders of execution.*—For the issuance of an order of execution, a fee of ₱5 shall be paid by the party requesting the execution.

(e) *Petition for relief.*—For filing a petition for relief from the effect of a decision or order as provided for in paragraph No. 12 of Fisheries Administrative Order No. 22, a fee of ₱10 shall be paid by the petitioner. Failure to pay the fee within 10 days from the date the petition is filed may be sufficient ground for dismissing or dropping the petition.

The same amount of fees shall be collected in connection with cases involving fishponds of the private domain of the government under the administration of the Director of Fisheries.

The respective cashiers or disbursing officers of the Bureau of Fisheries and of the Office of the Secretary of Agriculture and Natural Resources are hereby authorized to

receive and issue receipts for the fees hereinabove provided.

2. This order shall take effect on February 1, 1951.

FERNANDO LOPEZ
Secretary of Agriculture
and Natural Resources

Recommended by:

For and in the absence of the Director of Fisheries:

HERACLIO R. MONTALBAN
Chief, Division of Fish Culture and Fisheries Biology

BUREAU OF FORESTRY

FORESTRY ADMINISTRATIVE ORDER No. 13-1

January 16, 1951

AMENDMENT TO FORESTRY ADMINISTRATIVE ORDER NO. 11, KNOWN AS THE LICENSE REGULATIONS, AS AMENDED BY ADMINISTRATIVE ORDERS NOS. 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, AND 13.

1. A new subparagraph to be known as subparagraph (bb) is hereby inserted after subparagraph (2) (aa) of Forestry Administrative Order No. 13 which reads as follows:

(bb) Public gratuitous license for cutting and gathering of minor forest products to be used for each specific project in reasonable amounts or quantities as may be needed.

2. This Forestry Administrative Order shall take effect upon its approval.

Approved: January 19, 1951.

FERNANDO LOPEZ
Secretary of Agriculture
and Natural Resources

Recommended by:

FLORENCIO TAMESIS
Director of Forestry

DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES

OFFICE OF THE SECRETARY

FORESTRY ADMINISTRATIVE ORDER No. 14

July 28, 1950

RULES AND REGULATIONS GOVERNING SAWMILLS

Pursuant to the provisions of Republic Act No. 460, the following rules and regulations governing the granting of permits for the operation of sawmills are hereby promulgated for the information and guidance of all concerned:

GENERAL PROVISIONS

1. *Title.*—This Administrative Order shall be

2. *Words defined.*—In applying the provisions of this Administrative Order, the words and phrases used shall be taken in the sense indicated below:

- (a) "Sawmill" shall include circular, band and gang mills, with or without log carriage, sawing round logs and squared timber or fitches; and band or circular resaws that are operated as independent units for resawing squared timber and cants or fitches and are not accessories to the head rig. Table ripsaws used in carpentry or woodworking shops are not classified under these regulations as sawmills.
- (b) "Daily Output", shall mean daily production for one shift of eight hours.
- (c) "And" may read "or" and "or" may read "and" if the sense requires it.
- (d) "Owner or operator of Sawmill" shall apply to and include individuals, corporations, partnerships, firms, associations, companies, societies and other legal entities operating sawmill.
- (e) "Forest charges" to include regular forest charges, reforestation fees whenever applicable, and surcharges.

APPLICATION

3. *Who Shall Apply for Permit.*—Every owner or operator of a new or old sawmill, with or without a timber license from the Bureau of Forestry and irrespective of whether his sawmill is installed in a private or government land, shall file an application to operate his sawmill with the Director of Forestry, Manila or with the Provincial Forester concerned.

4. *Date of Filing.*—The date of filing applications for existing sawmills in operation shall be not later than July 1st of every year, provided that for the fiscal year 1950-51 they may be filed not later than August 31, 1950. For new sawmills or sawmills already established but are shut-down, application may be filed at any time. A prospective sawmill operator should for his own protection first file an application and secure the necessary permit before installing his sawmill.

5. *Form and Contents of Application.*—All applications for permits shall be submitted in prescribed form, accompanied by the documents specified below and shall include the following informations:

- (a) *Name of Sawmill.*—(Trade name, if any.)
- (b) *Name, citizenship, and residence of the owner of the sawmill.* If the applicant is a corporation, a copy of its articles of incorporation certified by the Securities and Exchange Commission shall be submitted together with the application; and if an association or partnership, a copy of the articles of partnership certified by the

- (c) Description and value of each machinery and principal equipment used in the sawmill establishment, including buildings, lumber yards, docks and other improvements.
- (d) Total investment and number of men employed or expected to be employed.
- (e) Location of the sawmill.
- (f) Daily rated capacity or actual capacity in board feet, based on one 8-hour shift.
- (g) *Sources of timber supply.*—If the applicant is not a holder of a timber license but buys his logs direct from log producers, he shall submit the names of such producers and their corresponding addresses.

6. *Owner or Operator of Two or More Mills.*—The owner or operator of two or more independent sawmills shall file an application for each and every one of his sawmills.

7. *Application to be under Oath.*—Application for permit to operate sawmill must be sworn to by the applicant before any officer duly authorized to administer oath.

8. *False Statement.*—The making of false statement on the application shall be considered sufficient cause for the disapproval of such application and any false statement or material omission of the facts intentionally done, altering, changing, or modifying the consideration of any of the conditions mentioned in said application, may cause the cancellation of the license without prejudice on the part of the Government to cause the prosecution of the guilty party.

FEES AND BONDS

9. *Schedule of Fees.*—Annual fees for permits to be granted under these regulations shall be collected at the rates given below based on the actual daily output or rated capacity of the sawmill.

Daily output in board feet	Annual fee
1-2,000	₱100.00
2,001-4,000	200.00
4,001-6,000	300.00
6,001-8,000	400.00
8,001-10,000	500.00
10,001-15,000	600.00
15,001-20,000	700.00
20,001-25,000	800.00
25,001-30,000	900.00
30,001- and over	1,000.00

10. *When to Pay the Annual Fee.*—The first annual fee shall be paid to the Director of Forestry, Manila, upon the issuance of the permit; subsequent annual fees shall be paid not later than the first day of July of each year.

11. For the purpose of determining the annual fees to be charged, the daily output for any sawmill shall be computed as follows:

- (a) For mills already established, the actual production of the head rig including pony saw and resaw, if any, for one shift of 8

hours shall be considered as the daily output of the sawmill.

- (b) The daily output of new sawmills that are yet to be installed or have not as yet begun operation shall be the total rated capacities of the head rig and pony rig, if any, for one shift of 8 hours.
- (c) For sawmill permits issued after the first quarter of the fiscal year, the fee to be paid shall be computed on a quarterly basis and shall accordingly be proportionately reduced.

12. *Refund.*—In case the application is disapproved by the Director of Forestry, the fee remitted with the application shall be refunded to the applicant.

13. *Bond Required of Sawmills without Timber Licenses.*—Sawmill operators who are not holders of timber licenses or who are not sawing logs or timber cut under their licenses shall file a bond of ₱1,000 with the Director of Forestry, Manila, to guarantee performance with the regulations. Bonds filed by licensees of the Bureau of Forestry shall also be liable for the compliance of the terms of these regulations.

14. *Form of Bond.*—The bond required in the preceding paragraph may be in the form of cash or surety. In case of surety, the amount of the bond shall be increased by 25 per cent.

PERMIT

15. *Duration of Permit.*—The period to be covered by permit to operate a sawmill shall not exceed one year: *Provided, however, That the period covered by a permit issued during the last quarter of the year shall extend up to end of the following fiscal year.*

16. *When Permit may be Issued.*—Permit under these regulations may be issued only after (a) an application has been duly filed; (b) the corresponding fee and bond paid; (c) and in the case of sawmill owners or operators, who are not holders of timber licenses, only when the Director of Forestry is satisfied that they have adequate sources of timber for their sawmills.

17. *Expiration of Permit.*—A permit shall expire on the date specified thereon or upon the death of the permittee, or in case of corporation, company or association, upon the dissolution of the same unless sooner suspended, revoked or otherwise duly terminated by the Director of Forestry.

18. *Permit is non-transferable.*—A permit issued by the Director of Forestry shall not be transferable; *Provided that in case of death of the permittee, the surviving spouse or heirs may be authorized by the said Director to use the same permit for the rest of its unexpired term upon filing of a new bond and settlement of any unpaid account of the permittee.*

19. *Suspension or Cancellation of Permit.*—The Director of Forestry may suspend or cancel a permit for any of the following causes:

- (a) Non-compliance with these regulations or with any of the terms and conditions of the permit.
- (b) For buying or sawing timber of the forest charges of which have not been paid.

RECORDS AND REPORTS TO BE KEPT AND ACCOMPLISHED BY PERMITTEES

20. *Records Required of Sawmills without Timber Concessions or without Permanent Scalers.*—Owners or operators of sawmills without timber concessions or without permanent Bureau of Forestry scalers are hereby required to keep and accomplish the following:

(a) *A Log Registry Book.*—All logs or timber purchased shall be entered in this book in chronological order with the following information:

- (1) Species.
- (2) Dimension of each log or timber in centimeters and meters and corresponding volume in cubic meters.
- (3) Name and address of the person or licensee from whom the product was bought.
- (4) Number and date of the official invoice or official receipt under which the forest charges were paid and the name and designation of the issuing officer thereof.

(b) All official receipts, official invoices and corresponding auxiliary invoices, and commercial invoices covering all logs and lumber purchased, or received on consignment, said receipts and invoices to be made ready at all times for verification by any forest officer.

(c) All sales and commercial invoices of all lumber and timber sold or shipped out for ready inspection.

(d) A daily trimmer tally of all lumber produced.

(e) *Monthly Lumber Inventory.*—At the end of every month a lumber inventory of all lumber in the yard, shall be taken, segregating those lumber which were purchased or merely received on consignment from those sawn from logs bought by the sawmill.

21. *Reports to be Submitted by all Sawmill Permittees.*—The following reports shall be submitted to the Director of Forestry, Manila, by all sawmill permittees:

(a) *Monthly Lumber Shipment Report (B. F. Form 6-3).*—This report, which shall be submitted not later than the 10th day of the month following that to which the

- (1) Destination of lumber shipped.
- (2) Species.
- (3) Mill Tally.
- (4) Lumber Inventory at the end of the month. Lumber bought from other sources should be segregated.

(b) *Report on Additional Machinery Installed.*—Any additional machinery acquired and installed in the sawmill shall be reported immediately to the Director of Forestry, Manila.

(c) *Closing Down of Operations.*—Any sawmill permittee closing down operations, whether only temporarily or not, shall report the fact to the Director of Forestry, Manila, immediately giving the reasons therefor.

(d) *Submission of Additional Information.*—Any other data or information pertaining to the operation of the sawmill shall be furnished the Director of Forestry whenever required.

MISCELLANEOUS PROVISIONS

22. *Display of Sawmill Permit and Lumber Prices.*—Every sawmill permittee shall display on the premises of his sawmill in a prominent place exposed to public view his sawmill permit issued by the Director of Forestry.

He shall also display publicly the lumber or timber for sale at his sawmill with appropriate tags or labels indicating the prices thereof (Rep. Act No. 71).

23. *Sawmill Permittees responsible of Uninvoiced Timber.*—Sawmill Permittees shall be held liable for the payment of the forest charges and surcharges due on any timber sawn in their sawmills without proper invoice or on lumber cut in excess of the utilization of the mill.

24. *Sawmill Operators to Allow Inspection by Forest Officers of their Sawmill Records.*—Owners or operators of sawmills shall allow forest officers at all times to inspect their sawmills and records and to conduct therein studies on utilization, whenever necessary. In every case, the forest officer shall note in the Log Registry Book of the sawmill the purpose of his inspection.

25. *Prohibition.*—It is prohibited for owners or operators of sawmills:

(a) To purchase logs or timber that are not accompanied by official receipt or invoice or by a commercial invoice duly verified by a forest officer to which is attached the original auxiliary invoice upon which the forest charges had been paid.

(b) To measure logs, when purchasing them, in any manner other than the method of measurement as provided in section 263 of Commonwealth Act No. 466, known as the National Internal Revenue Code.

26. *Penal Provision.*—Any person, association or corporation, which shall operate a sawmill without

of the provisions of this Act and the rules and regulations issued thereunder, shall be punished by a fine of not less than one thousand and not more than ten thousand pesos.

27. *Effective Date.*—This Order shall take effect upon its approval.

Approved: August 2, 1950.

PLACIDO L. MAPA
Secretary of Agriculture
and Natural Resources

Recommended by:

FLORENCIO TAMESIS
Director of Forestry

Department of Education

BUREAU OF PUBLIC LIBRARIES

REGULATIONS FOR THE ENFORCEMENT OF THE MARRIAGE LAW

Pursuant to the provisions of article 95 of Republic Act No. 386 (Civil Code of the Philippines), the following regulations and forms are hereby promulgated for the purpose of enforcing the provisions of "Title III.—Marriage."

REGISTRATION OF PRIESTS, MINISTERS AND RABBIS

SECTION 1. *Requisites for registration.*—Bishops, priests, rabbis, or ministers of any church, sect, or religion authorized by their organization to solemnize marriage shall be registered in the Bureau of Public Libraries, provided that the church, sect, or religion to which they belong (a) operates in the Philippines and (b) is in good repute.

SEC. 2. *Presumption as to the existence of a church or religious sect.*—It shall be understood that a church, sect, or religion operates in the Philippines when a great number of the Filipino people professes it, and this fact appears clearly in the Census of the Philippines of 1918 or in any subsequent issue of the Census. In the absence of the necessary information from the Census or in case of doubt, the existence of such church, sect, or religion may be proved by a sworn statement of its founder, bishop, or head, setting forth:

(a) A brief history of the said church, sect, or religious denomination;

(b) That the said church, sect or religious denomination is duly incorporated for the administration of its temporalities;

(c) That it has at least a temple or chapel, and the town and province, or city in which it is situated, and if more than one, the places wherein they are respectively situated, and the name of the priest or minister assigned to each;

(d) That it has a congregation of not less than 200 bona fide active members, all residents of the Philippines who attend at the religious

gatherings which it holds periodically in its church or chapel.

SEC. 3. *Meaning of good repute.*—A church or religion is in good repute if it holds religious services or gatherings periodically in its church or chapel, and complies with the requirements of the marriage law and of these regulations, and that there is nothing in its teachings, principles, and practices that is contrary to the common weal.

Unless and until otherwise shown, the churches, sects, or religions appearing in the Census of the Philippines, as being professed by a great number of the Filipino people shall be presumed to be in good repute.

In case of doubt with respect to any church, sect or religion, which does not appear in the Census of the Philippines, the question of its being in good repute may be proven by means of a certificate of the mayor, the provincial governor, or the commander of the Philippine Constabulary having jurisdiction over the place where its chapel or church is situated, affirming the facts and circumstances referred to in the first paragraph hereof.

SEC. 4. *Practice incompatible with good reputation.*—The practice by any religious denomination of appointing priests or ministers who do not celebrate nor hold religious gatherings or services periodically, but whose activity appears to be that of solemnizing marriage only, shall be considered *prima facie* proof that such religious denomination is not in good repute, on which account the registration of its priests or ministers shall not be allowed, and if they have been previously granted authorizations to solemnize marriage, the same shall be cancelled.

SEC. 5. *Registration of bishop or head of any church or religion.*—The bishop or head of any church, sect or religion possessing the conditions imposed by section 1 of these regulations shall, in applying for registration, send to the Director of the Bureau of Public Libraries a copy of his appointment as such bishop or head of his church, sect, or religion, together with a certified copy of the laws and regulations thereof and a sworn statement giving the following data:

(a) His full name and residence;

(b) The name of his church, sect, or religion;

(c) The position which he holds in his church, sect, or religion; and

(d) The fact that he is authorized by the laws or regulations of his organization to solemnize marriage and to appoint priest and ministers, etc., in the Philippines. In case he is not authorized to appoint priests and ministers he shall give the name of the person authorized to make such appointments, and the name and position of the person who issues certified copies of said appointments.

SEC. 6. Registration of priests, rabbis, or ministers.—For the purpose and effects of registration in the Bureau of Public Libraries, the priests, rabbis, or ministers of any religious denomination which fulfills the conditions imposed by section 1 of these regulations, shall each send to the said bureau, together with the copy of his appointment or authorization, a sworn statement subscribed before a justice of the peace, notary public or any other official authorized to administer oaths in which must appear the following:

(a) Full name and residence, and the full name and residence of his bishop or head;

(b) The facts that he is authorized by the proper authority of his church, sect, or religion to solemnize marriages; and

(c) That the copy of his appointment or authorization he is sending is a true copy of the original which he holds in his possession.

SEC. 7. Validity of appointment.—No appointment or authorization of a priest, rabbi, or minister of the gospel shall be recognized unless it has been issued by a bishop, head, or the proper authority of the church, sect, or religion of which the said priest, rabbi, or minister is a member.

SEC. 8. Requisites of appointment.—The appointment or authorization of a priest, rabbi, or minister of the gospel shall be signed by the competent authority of his church or religion, and shall contain the following requisites:

(a) The full name of the priest, rabbi or minister appointed;

(b) His age;

(c) His residence;

(d) The extent of his territorial jurisdiction, whether it is general as to cover the whole Philippines, or limited to a municipality or province, or to two or more municipalities or provinces. In the later case, the names of the places shall be stated.

(e) The church or chapel which is under his direction or administration, or in which said priest, rabbi, or minister usually solemnizes marriage and the municipality and province in which it is situated.

SEC. 9. Meaning of church or chapel.—For the purpose and effects of the law and of these regulations, the word "church" or "chapel" shall be mentioned to mean any building, either of strong, mixed, or light materials, if it is permanent in character, and is opened during convenient hours of the day, and used exclusively for holding religious gatherings, solemnizing marriages, and other religious ceremonies.

SEC. 10. Registration and issuance of authorization to solemnize marriage.—Upon receipt of the sworn statement and the copy of the appointment or authorization mentioned in the preceding sections, the Director of the Bureau of Public Libraries,

if convinced thereby that the church, sect, or religion of the applicant operates in the Philippines, and is in good repute, as provided in sections 2 and 3 of these regulations, shall, upon payment of the corresponding fees, record in a suitable register the name of the applicant, and issue to him an authorization to solemnize marriage, which has to be exhibited to the contracting parties, to their parents, grandparents, guardians, or persons in charge demanding the same. The said authorization shall be renewed on or before the first day of May of each year, upon payment of the fee fixed for renewal.

SEC. 11. Cancellation of registration.—The Director of Public Libraries shall, on his own initiative or at the request of an interested party, cancel the registration of a bishop, head, priest, rabbi, or minister of any church, sect, or religion; when it appears that the church, sect, or religion, of such bishop, head, priest, rabbi, or minister has ceased to be in good repute according to the provisions of sections 3 and 4 of these rules. Likewise, it is the duty of the said Director to cancel the registration of a priest, rabbi, or minister when request for such cancellation is made by the bishop, head, or proper authorities of the church, sect, or religion of which the said priest, rabbi, or minister is a member.

SEC. 12. Fees.—The priests, rabbis, or ministers of the gospel of any denomination, church, sect, or religion, or any interested person, shall pay the following fees:

For each authorization to solemnize marriage	₱2.00
For each renewal of authorization	1.00
For each cancellation of an authorization at the request of an interested party	1.00
For each certification of any entry upon the register	1.00
For issuing a duplicate of the authorization	2.00

PRESCRIBED FORMS

SEC. 13. Forms.—Prescribed forms shall be adopted in the enforcement of the provisions of the marriage law, and the instructions or notes given for those forms shall be observed as part of the regulations. (Copies of these forms may be sent to interested parties upon request addressed to the Bureau of Public Libraries.)

PENAL PROVISIONS

SEC. 14. Influencing parties in religious respects.—Any local civil registrar who directly or indirectly attempts to influence any contracting party to marry or refrain from marrying in any church, sect, or religion or before any civil authority, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by imprisonment for not more than one month and a fine of not more than two hundred pesos. (Act 3613, sec. 37.)

SEC. 15. *Illegal issuance or refusal of license.*—Any local civil registrar who issues a marriage license unlawfully or who maliciously refuses to issue a license to a person entitled thereto or fails to issue the same within twenty-four hours after the time when, according to law, it was proper to issue the same, shall be punished by imprisonment for not less than one month nor more than two years, or by a fine of not less than two hundred pesos nor more than two thousand pesos. (Act 3613, sec. 38.)

SEC. 16. *Illegal solemnization of marriage.*—Any priest or minister solemnizing marriage without being authorized by the Director of the Bureau of Public Libraries, or who, upon solemnizing marriage, refuses to exhibit his authorization in force when called upon to do so by the parties or parents, grandparents, guardians, or persons having charge; or any officer, priest or minister solemnizing marriage in violation of the provisions of Act 3613, shall be punished by imprisonment for not less than one month nor more than two years, or by a fine of not less than two hundred pesos nor more than two thousand pesos. (Act 3613, sec. 39.)

SEC. 17. *Marriages in improper places.*—Any officer, minister, or priest solemnizing marriage in a place other than those authorized by Act 3613, as amended by Republic Act No. 386, shall be punished by a fine of not less than twenty-five pesos nor more than three hundred pesos, or by imprisonment for not more than one month, or both, in the discretion of the court. (Act 3613, sec. 40.)

SEC. 18. *Failure to deliver marriage certificate.*—Any officer, priest, or minister failing to deliver to either of the contracting parties one of the copies of the marriage contract or to forward the other copy to the authorities within the period fixed by law for said purpose, shall be punished by imprisonment for not more than one month or by a fine of not more than three hundred pesos, or both, in the discretion of the court. (Act 3613, sec. 41.)

SEC. 19. *Affidavit on marriage "in articulo mortis."*—Any officer, priest, or minister who, having solemnized a marriage "in articulo mortis" or any other marriage of an exceptional character, shall fail to comply with the provisions of Chapter II of Act 3613, as amended by Republic Act No. 386, shall be punished by imprisonment for not less than three hundred pesos nor more than two thousand pesos, or both, in the discretion of the court. (Act 3613, sec. 42.)

SEC. 20. *Unlawful signboards.*—Any person who, not being authorized to solemnize marriage, shall publicly advertise himself, by means of signs or placards placed on his residence or office or through the newspapers, as authorized to solemnize marriage, shall be punished by imprisonment for not less than one month nor more than two years, or by a fine of not less than fifty pesos nor more

than two thousand pesos, or both, in the discretion of the court. (Act 3613, sec. 43.)

SEC. 21. *General penal clause.*—Any violation of any provision of Act 3613 and of Republic Act No. 386 not specifically penalized, or of the regulations, shall be punished by a fine of not more than two hundred pesos or by imprisonment for not more than one month, or both, in the discretion of the court. (Act 3613, sec. 44.)

SEC. 22. *Disqualification of priests and ministers.*—Any priest or minister of the gospel of any denomination, church, sect, or religion convicted of the violation of any of the provisions of Act 3613, as amended by Republic Act No. 386, or of any crime involving moral turpitude, shall, in addition to the penalties incurred in each case, be disqualified to solemnize marriage for a period of not less than six months nor more than six years at the discretion of the court. (Act 3613, sec. 45 as amended by Act 4236.)

LUIS MONTILLA
Director, Bureau of Public Libraries

Approved January 26, 1951.

For the Secretary of Education:

CECILIO PUTONG
Undersecretary of Education

Department of Commerce and Industry

SUGAR QUOTA ADMINISTRATION

QUOTA ADMINISTRATION ORDER No. 59

January 1, 1951

CIGAR ALLOTMENT FOR JANUARY 1, 1951 TO
DECEMBER 31, 1951

WHEREAS, the Philippine Trade Act of 1946 (Public Law 371—79th Congress), of the Congress of the United States, approved April 30, 1946, incorporated in the Executive Agreement between the United States of America and the Republic of the Philippines, and accepted by the Congress of the Philippines under C. A. No. 733, approved July 3, 1946, provides that "the total amount of all Philippine Cigars which, in any calendar year, may be entered, or withdrawn from warehouse, in the United States for consumption, shall not exceed 200,000,000 cigars," which "shall be allocated annually to the manufacturers of cigars in the Philippines in the calendar year 1940 whose cigars were exported to the United States during such calendar year, or their successors in interest, proportionately on the basis of the amount of cigars produced by each such manufacturer (or in the case of such successor in interest, the amount of cigars produced by his predecessor in interest) which was exported to the United States during the calendar year 1940";

WHEREAS, C. A. No. 510 of the National Assembly, approved November 14, 1939, authorized the President of the Philippines, either directly or through any department, bureau, office or instrumentality of the National Government which he may designate for the purpose, to make the allocation and reallocation of the quotas established for the Philippines by Public Act No. 300, superseded by the aforesaid Philippine Trade Act of 1946, and to issue and promulgate such rules and regulations as may be necessary for the proper allocation, reallocation and administration of said quotas;

WHEREAS, Executive Order No. 238, dated December 14, 1950, provides that the allocation and reallocation of quotas for all articles established for the Philippines under the terms of Public Act No. 127 of the Congress of the United States approved March 24, 1934, as amended by Public Act No. 300, approved August 7, 1939 (superseded by the Philippine Trade Act of 1946 and C. A. No. 733) shall, until further orders, be under the charge of the Secretary to the President of the Philippines with authority to appoint such technical, clerical and other personnel as may be necessary for the effective performance of the duties under the provisions of said order;

WHEREAS, the Secretary to the President authorized the Philippine Sugar Administration to exercise the function and duties of making the allocation and reallocation and issuing of export licenses for articles subject to quotas provided for in said Philippine Trade Act of 1946 and C. A. No. 733;

WHEREAS, Executive Order No. 94, dated October 4, 1947, provides that the Sugar Quota Office shall assume the functions, powers, and duties heretofore exercised by the Philippine Sugar Administration and placed the Sugar Quota Office under the executive supervision of the Department of Commerce and Industry;

Now, THEREFORE, pursuant to the authority herein stated, it is hereby ordered that:

1. The effective quota of 200,000,000 cigars which may be shipped to the United States during the twelve-month period beginning January 1, 1951, shall be allocated among the manufacturers thereof as follows:

Manufacturers	Percentage to quota of 200,000,000 cigars	Allotments in cigars
Helena Cigar Factory	61.90194870	123,803,897
Cia. Gral. de Tab. de Filipinas	15.62776665	31,255,534
La Insular Cig. & Cigite. Factory....	5.62528622	11,250,572
El Oriente	1.18921709	2,378,434
Alhambra Cig. & Cigite. Mfg. Co.	14.68462856	29,369,257
La Flor de Intal....	.38045872	760,917

La Yebana Cigar Company .....	.40226771	804,535
La Colonial .....	.04283695	85,674
La Flor de la Isabela .....	.02911346	58,227
El Sol de Filipinas .....	.00250979	5,020
La Favorita .....	.03523733	70,475
Government disposition .....	.07872882	157,458
Total	100.00000000	200,000,000

2. Shipments made prior to January 1, 1951, but arriving in any part of continental United States or its possessions, on or after January 1, 1951, shall be charged against the 1951 quota.

3. This Quota Administration Order shall become effective as of January 1, 1951.

V. G. BUNUAN
Administrator

Approved:

CORNELIO BALMACEDA
Secretary
Department of Commerce and Industry

QUOTA ADMINISTRATION ORDER NO. 60

January 1, 1951

COCONUT OIL ALLOTMENT FOR JANUARY 1, 1951 TO DECEMBER 31, 1951

WHEREAS, the Philippine Trade Act of 1946 (Public Law 371, 79th Congress), of the Congress of the United States, approved April 30, 1946, incorporated in the Executive Agreement between the United States of America and the Republic of the Philippines, and accepted by the Congress of the Philippines under Commonwealth Act No. 733, approved July 3, 1946, provides that "the total amount of all Philippine Coconut Oil which, in any calendar year, may be entered, or withdrawn from warehouses, in the United States for consumption, shall not exceed 200,000 long tons." which "shall be allocated annually to the manufacturers of coconut oil in the Philippines in the calendar year 1940 whose coconut oil were exported to the United States during such calendar year, or their successors in interest, proportionately on the basis of the amount of coconut oil produced by each manufacturer (or in the case of such successor in interest, the amount of the coconut oil produced by this predecessor in interest) which was exported to the United States during the calendar year 1940";

WHEREAS, C. A. No. 510 of the National Assembly, approved November 14, 1939, authorized the President of the Philippines, either directly or

through any department, bureau, office, or instrumentality of the National Government which he may designate for the purpose, to make the allocation and reallocation of the quotas established for the Philippines by Public Act No. 300, superseded by the aforesaid Philippine Trade Act of 1946, and to issue and promulgate such rules and regulations as may be necessary for the proper allocation, reallocation and administration of said quotas;

WHEREAS, Executive Order No. 238, dated December 14, 1940, provides that the allocation and reallocation of quotas for all articles established for the Philippines under the terms of Public Act No. 127 of the Congress of the United States approved March 24, 1934, as amended by the Public Act No. 300, approved August 7, 1939 (superseded by the Philippine Trade Act of 1946 and C. A. No. 733) shall, until further orders, be under the charge of the Secretary to the President of the Philippines with authority to appoint such technical, clerical and other personnel as may be necessary for the effective performance of the duties under the provisions of said order;

WHEREAS, the Secretary to the President authorized the Philippine Sugar Administration to exercise the functions and duties of making the allocation and reallocation and issuing of export licenses for articles subject to quotas provided for in said Philippine Trade of 1946 and C. A. No. 733;

WHEREAS, Executive Order No. 94, dated October 4, 1947, provides that the Sugar Quota Office shall assume the functions, powers, and duties heretofore exercised by the Philippine Sugar Administration, and placed the Sugar Quota Office under the executive supervision of the Department of Commerce and Industry;

Now, THEREFORE, pursuant to the authority herein stated, it is hereby ordered that:

1. The effective quota of 200,000 long tons of coconut oil which may be shipped to the United States during the twelve-month period beginning January 1, 1951, shall be allocated among the manufacturers thereof as follows:

Manufacturers	Percentage to quota of 200,000 long tons coconut oil	Allotments in long tons
Spencer, Kellogg & Sons (Phil.) Inc..	26.670357	53,340.71
Philippine Refining Company	42.343225	84,686.45
Calamba Sugar Estate .....	.297087	594.17
Lu Do & Lu Ym Company	7.707489	15,414.98
Luzon Industrial Corporation	6.240702	12,481.40
Madrigal Oil Mills	7.320035	14,640.07
Philippine Manufacturing Co.	1.507595	3,015.19

Central Vegetable Oil	1.071952	2,143.90
International Oil Factory .....	.009875	18.76
Government disposition	6.832183	13,664.87
Total	100.000000	200,000.00

2. Shipments made prior to January 1, 1951, but arriving in any part of continental United States or its possessions, on or after January 1, 1951, shall be charged against the 1951 quota.

3. This Quota Administration Order shall become effective as of January 1, 1951.

V. G. BUNUAN
Administrator

Approved:

CORNELIO BALMACEDA
Secretary
Department of Commerce and Industry

QUOTA ADMINISTRATION ORDER NO. 61

January 1, 1951

PEARL BUTTON ALLOTMENT FOR JANUARY 1, 1951
TO DECEMBER 31, 1951

WHEREAS, the Philippine Trade Act of 1946, (Public Law 371—79th Congress), of the Congress of the United States, approved April 30, 1946, incorporated in the Executive Agreement between the United States of America and the Republic of the Philippines, and accepted by the Congress of the Philippines under Commonwealth Act No. 733, approved July 3, 1946, provides that "the total amount of all Philippine Pearl Buttons which, in any calendar year, may be entered, or withdrawn from warehouse, in the United States for consumption, shall not exceed 850,000 gross," which "shall be allocated annually to the manufacturers of pearl buttons in the Philippines in the calendar year 1940 whose pearl buttons were exported to the United States during such calendar year, or their successors in interest, proportionately on the basis of the amount of pearl buttons produced by each such manufacturer (or in the case of such successor in interest, the amount of pearl buttons produced by his predecessor in interest) which was exported to the United States during the calendar year 1940";

WHEREAS, C. A. No. 510 of the National Assembly, approved November 14, 1939, authorized the President of the Philippines, either directly or through any department, bureau, office, or instrumentality of the National Government which he may designate for the purpose, to make the allocation and realloca-

tion of the quotas established for the Philippines by Public Act No. 300, superseded by the aforesaid Philippine Trade Act of 1946, and to issue and promulgate such rules and regulations as may be necessary for the proper allocation, reallocation and administration of said quotas;

WHEREAS, Executive Order No. 238, dated December 14, 1940, provides that the allocation and reallocation of quotas for all articles established for the Philippines under the terms of Public Act No. 127 of the Congress of the United States approved March 24, 1934, as amended by Public Act No. 300, approved August 7, 1939 (superseded by the Philippine Trade Act of 1946 and C. A. No. 733) shall, until further orders, be under the charge of the Secretary to the President of the Philippines with authority to appoint such technical, clerical and other personnel as may be necessary for the effective performance of the duties under the provisions of said order;

WHEREAS, the Secretary to the President authorized the Philippine Sugar Administration to exercise the functions and duties of making the allocation and reallocation and issuing of export licenses for articles subject to quotas provided for in said Philippine Trade Act of 1946 and C. A. No. 733;

WHEREAS, Executive Order No. 94, dated October 4, 1947, provides that the Sugar Quota Office shall assume the functions, powers, and duties heretofore exercised by the Philippine Sugar Administration, and placed the Sugar Quota Office under the executive supervision of the Department of Commerce and Industry;

Now, THEREFORE, pursuant to the authority herein stated, it is hereby ordered that:

1. The effective quota of 850,000 gross pearl buttons which may be shipped to the United States during the twelve-month period beginning January 1, 1951, shall be allocated among the manufacturers thereof as follows:

Manufacturers	Percentage to quotas of 850,000 gross pearl buttons	Allotments in gross
Shellcraft & Button Corporation	16.3584767	139,047
Philippine Button Corporation	68.5543117	582,712
Manila Button Factory	12.7370636	108,265
Malate Shell Art	.0047951	41
Government disposition	2.3453529	19,935
Total	100.0000000	850,000

2. Shipments made prior to January 1, 1951, but arriving in any part of continental United States or its possessions, on or after January 1, 1951, shall be charged against the 1951 quota.

3. This Quota Administration Order shall become effective as of January 1, 1951.

V. G. BUNUAN
Administrator

Approved:

CORNELIO BALMACEADA
Secretary
Department of Commerce and Industry

QUOTA ADMINISTRATION ORDER NO. 62

January 1, 1951

SCRAP AND FILLER TOBACCO ALLOTMENT FOR
JANUARY 1, 1951 TO DECEMBER 31, 1951

WHEREAS, the Philippine Trade Act of 1946 (Public Law 371—79th Congress), of the Congress of the United States, approved on April 30, 1946, incorporated in the Executive Agreement between the United States of America and the Republic of the Philippines, and accepted by the Congress of the Philippines under C. A. No. 733, approved on July 3, 1946, provides that "the total amount of all Philippine Scrap and Filler Tobacco which, in any calendar year, may be entered, or withdrawn from warehouse, in the United States for consumption, shall not exceed 6,500,000 pounds" which "shall be allocated annually to the manufacturers of scrap and filler tobacco in the Philippines in the calendar year 1940 whose scrap and filler tobacco exported to the United States during such calendar year, or their successors in interest, proportionately on the basis of the amount of scrap and filler tobacco produced by each such manufacturer (or in the case of such successor in interest, the amount of scrap and filler tobacco produced by his predecessor in interest) which was exported to the United States during the calendar year 1940";

WHEREAS, C. A. No. 510 of the National Assembly, approved November 14, 1939, authorized the President of the Philippines, either directly or through any department, bureau, office, or instrumentality of the National Government which he may designate for the purpose, to make the allocation and reallocation of the quotas established for the Philippines by Republic Act No. 300, superseded by the aforesaid Philippine Trade Act of 1946, and to issue and promulgate such rules and regulations as may be necessary for the proper allocation, reallocation and administration of said quotas;

WHEREAS, Executive Order No. 238, dated December 14, 1940, provides that the allocation and reallocation of quotas for all articles established for the Philippines under the terms of Public Act No. 127 of the Congress of the United States approved March 24, 1934, as amended by Public Act No. 300, approved August 7, 1939 (superseded by the Phil-

ippine Trade Act of 1946 and C. A. No. 733) shall, until further orders, be under the charge of the Secretary to the President of the Philippines with authority to appoint such technical, clerical and other personnel as may be necessary for the effective performance of the duties under the provisions of said order;

WHEREAS, the Secretary to the President authorized the Philippine Sugar Administration to exercise the functions and duties of making the allocation and reallocation and issuing of export licenses for articles subject to quotas provided for in said Philippine Trade Act of 1946 and C. A. No. 733;

WHEREAS, Executive Order No. 94, dated October 4, 1947, provides that the Sugar Quota Office shall assume the functions, powers, and duties heretofore exercised by the Philippine Sugar Administration, and placed the Sugar Quota Office under the executive supervision of the Department of Commerce and Industry;

Now, THEREFORE, pursuant to the authority herein stated, it is hereby ordered that:

1. The effective quota of 6,500,000 pounds of scrap and filler tobacco which may enter the United States during the twelve-month period beginning January 1, 1951, shall be allocated among the manufacturers thereof as follows:

Manufacturers	Percentage of quota of 6,500,000 pounds scrap & filler tobacco	Allotments in pounds
Helena Cigar Factory ..	27.6019034	1,794,124
Alhambra Cig. & Cigts.		
Mfg. Co.	21.1832153	1,376,909
Aguado Hermanos .....	.8256421	53,667
Bunning & Co.	38.8698711	2,201,542
Go Fay & Company	1.7432471	113,311
Manila Tobacco Trad- ing	12.6867234	824,637
Minerva .....	.3177399	20,653
By Mail .....	.0000225	1
Government disposi- tion	1.7716352	115,156
Total	100.0000000	6,500,000

2. Shipments made prior to January 1, 1951, but arriving in any part of continental United States or its possessions, on or after January 1, 1951, shall be charged against the 1951 quota.

3. This Quota Administration Order shall become effective as of January 1, 1951.

V. G. BUNUAN
Administrator

Approved:

CORNELIO BALMACEDA
Secretary
Department of Commerce and Industry

QUOTA ADMINISTRATION ORDER NO. 63

January 1, 1951

CORDAGE ALLOTMENT FOR JANUARY 1, 1951 TO
DECEMBER 31, 1951

WHEREAS, the Philippine Trade Act of 1946 (Public Law 871—79th Congress), of the Congress of the United States, approved on April 30, 1946, incorporated in the Executive Agreement between the United States of America and the Republic of the Philippines, and accepted by the Congress of the Philippines under Commonwealth Act No. 733, approved on July 3, 1946, provides that "the total amount of all Philippine Cordage which, in any calendar year, may be entered, or withdrawn from warehouse, in the United States for consumption, shall not exceed 6,000,000 pounds," which "shall be allocated annually to the manufacturers of cordage in the Philippines in the calendar year 1940 whose cordage were exported to the United States during such calendar year, or their successors in interest, proportionately on the basis of the amount of cordage produced by each such manufacturer (or in the case of such successor in interest, the amount of the cordage produced by his predecessor in interest) which was exported to the United States during the twelve months immediately preceding the inauguration of the Commonwealth of the Philippines;

WHEREAS, C. A. No. 510 of the National Assembly, approved November 14, 1939, authorized the President of the Philippines, either directly or through any department, bureau, office, or instrumentality of the National Government which he may designate for the purpose, to make the allocation and reallocation of the quotas established for the Philippines by Public Act No. 300, superseded by the aforesaid Philippine Trade Act of 1946, and to issue and promulgate such rules and regulations as may be necessary for the proper allocation, reallocation and administration of said quotas;

WHEREAS, Executive Order No. 238, dated December 14, 1940, provides that the allocation and reallocation of quotas for all articles established for the Philippines under the terms of Public Act No. 127 of the Congress of the United States approved March 24, 1934, as amended by Public Act No. 1946 and C. A. No. 733) shall, until further orders, be under the charge of the Secretary to the President of the Philippines with authority to appoint such technical, clerical and other personnel as may be necessary for the effective performance of the duties under the provisions of said order;

WHEREAS, the Secretary to the President authorized the Philippine Sugar Administration to exercise the functions and duties of making the allocation and reallocation and issuing of export licenses for articles subject to quotas provided

for in said Philippine Trade Act of 1946 and C. A. No. 733;

WHEREAS, Executive Order No. 94, dated October 4, 1947, provides that the Sugar Quota Office shall assume the functions, powers, and duties heretofore exercised by the Philippine Sugar Administration, and placed the Sugar Quota Office under the executive supervision of the Department of Commerce and Industry;

Now, THEREFORE, pursuant to the authority herein stated, it is hereby ordered that:

1. The effective quota of 6,000,000 pounds of Philippine Cordage which may enter the United States during the twelve-month period beginning January 1, 1951, shall be allocated among the manufacturers thereof as follows:

Manufacturers	Percentage to quota of 6,000,000 pounds cordage	Allotments in pounds
Elizalde Rope Factory	56.04128	3,363,293.16
Johnson-Pickett Rope Company	25.39724	1,524,203.88
Manila Cordage Company	18.45659	1,106,207.43
General Manufacturing Company .....	.10489	6,295.53
Total	100.00000	6,000,000.00

2. Shipments made prior to January 1, 1951, may be credited against the 1951 quota provided they arrive in any part of Continental United States or its possessions, on or after January 1, 1951.

3. This Quota Administration Order shall take effect on January 1, 1951.

V. G. BUNUAN
Administrator

Approved:

CORNELIO BALMACEDA
Secretary
Department of Commerce and Industry

PHILIPPINE SUGAR ORDER No. 1, SERIES 1950-1951

October 14, 1950

1950-1951 SUGAR QUOTA

Pursuant to the provisions of Act No. 4166, as amended by Commonwealth Acts Nos. 77, 323, 584 and Republic Act No. 279, and by virtue of the authority vested in me by Executive Order No. 118 of the President of the Philippines, as amended by Executive Order No. 210, it is hereby ordered that:

1. (a) There is allotted a quota of centrifugal sugar which may be transported to and entered in the United States during the calendar year

1951 of 952,000 short tons, commercial weight, of which not to exceed 56,000 short tons, commercial weight, may be filled by refined sugar.

(b) This quota of 952,000 short tons, commercial weight, is allocated to the mill companies and planters on the basis of coefficients and planters' rights set forth in Executive Order of the Governor-General No. 900 and its Supplement, as such order may have been modified by entries in the District Transfer and Planters Registries lawfully made under the terms of Executive Orders of the Governor-General Nos. 873 and 885. The allocation made in this sub-section shall be evidenced and enforced by Official Export Receipt Permits 1951, issued under authority of the Sugar Quota Administrator.

(c) The refined sugar quota of 56,000 short tons is allocated, as prescribed in section 211(c) of Public Act No. 371, of the Congress of the United States, approved April 30, 1946, otherwise known as the Philippine Trade Act of 1946, to the producers of such refined sugar proportionately on their exportation to the United States in the calendar year 1940.

2. (a) There is allotted a quota of centrifugal sugar which may be manufactured during the crop year 1950-51 for consumption in the Philippines, in its original form, or as refined sugar of 225,106.700 short tons, commercial weight, 5,000 of which is hereby declared as domestic reserve to be allocated as special amelioration among marginal and sub-marginal districts as provided in paragraph 3.

(b) Of this quota of 225,106.700 short tons, commercial weight, 220,106.700 short tons, commercial weight, is allocated to all mill companies and planters on the basis of coefficients and planters' rights set forth in, and in accordance with the provisions of, Executive Order No. 901 of the Governor-General and its Supplement, as said Order may have been or may be modified by entries in the district transfer and planters intra-district lawfully made under the terms of Executive Orders Nos. 873 and 885. The allocation made in this sub-section shall be evidenced and enforced by Official Permits for the sale of sugar for consumption in the Philippines—1951, issued under the authority of the Sugar Quota Administrator.

(c) Of the quantity of sugar allocated in sub-section 2(b) above, 13,281.247 short tons, commercial weight, shall be allocated to the Rosario, marginal and sub-marginal mill districts as follows:

37-Rosario	4,838.364 short tons
	<i>Marginal</i>
10-Cabiao	1,153.000 short tons
29-Manaoag	2,332.500 short tons
31-Norte	2,063.000 short tons

Sub-marginal

23-Leonor	864,000 short tons
25-Lourdes	931,000 short tons
27-Mabalacat	1,096,000 short tons
47-University	3,383 short tons
 Total	13,281,247 short tons

(d) Domestic sugar may be withdrawn at any time and in any quantity up to the limit of the planters' and mills' domestic allotments, but export sugar may not be withdrawn in such quantities as would prejudice the filling of the mills' or planters' entire domestic allotments. To insure the complete filling of domestic allotments, a minimum percentage, when necessary, of the weekly production of mills and planters shall be set aside for domestic use and be provided for in a Field Service Instructions.

3. There is allotted a quota of domestic reserve sugar of 5,000 short tons as special amelioration allotment which is allocated to marginal and sub-marginal mill districts as follows:

10-Cabiao	785,048 short tons
29-Manaoag	1,588,139 short tons
31-Norte	1,404,644 short tons
23-Leonor	588,275 short tons
25-Lourdes	633,894 short tons
 Total	5,000,000 short tons

4. Sugarcane producers who are not registered planters, who are generally known as emergency planters, will be permitted to mill for export only. They may, however, be allowed from their respective productions during the milling season one picul of sugar per month for their own consumption.

5. Production of mills and planters in excess of their respective total "A" and "B" allotments are hereby declared automatically for export and corresponding export permits therefor shall be issued accordingly.

6. (a) Planters in operating mill districts who failed to produce or to make available sufficient sugarcane to fill their respective allotments shall be declared in temporary abandonment to the extent of their respective deficiencies. Planters who are declared in temporary abandonment of their allotments during the 1949-50 crop who shall be found to be in temporary abandonment of their allotments during the 1950-51 crop shall be declared in permanent abandonment of their allotments, and their respective allotments shall be adjusted in accordance with Philippine Sugar Order No. 10.

However, planters who can prove beyond doubt that their inability to produce or to make available sufficient sugarcane to cover their allotments was due to crop failure or to other causes beyond their control, shall not be declared in abandonment

as provided in Philippine Sugar Order No. 10, dated May 5, 1938.

(b) Planters in non-operating mill districts who are unable to fill their respective allotments because the mill in their respective districts is unable to operate will not be declared in abandonment.

V. G. BUNUAN
Administrator

Approved:

CORNELIO BALMACEDA
Secretary of Commerce and Industry

PHILIPPINE SUGAR ORDER NO. 2, SERIES 1950-51

October 16, 1950

MILLING LICENSE FEES

Pursuant to the provisions of section 10 of Act No. 4166, and by virtue of Executive Order No. 118, Manila, September 16, 1937, as amended by Executive Order No. 210, dated June 23, 1939, it is hereby ordered that:

1. A temporary milling license will be issued subject to receipt from the mill company of satisfactory answers to the questionnaire attached to Field Service Instructions No. 1, series 1950-51, dated October 4, 1950, concerning the operations and stocks of the mill company.

2. Each mill company shall be temporarily licensed to manufacture for the 1950-51 crop year a quantity of centrifugal sugar as shown in the following list:

Mill district	"A" & "B" quota (In short tons)	License fee (Pesos)
LUZON		
6-Bamban	16,282,884	800.00
11-Calamba	58,524,561	2,700.00
13-Calumpit	5,811,311	300.00
16-Del Carmen	71,326,303	3,550.00
17-Don Pedro	52,002,961	2,600.00
18-El Real	5,522,951	300.00
29-Manaoag	5,658,374	300.00
31-Norte	5,404,477	250.00
34-Paniqui	10,298,064	500.00
35-Pasudeco	70,089,667	3,500.00
45-Tarlac	69,009,030	3,450.00
 VISAYAS		
2-Asturias	23,524,556	1,200.00
3-Bacolod-Murcia	52,977,393	2,650.00
4-Bais	45,767,416	2,300.00
8-20-Binalbagan Isabela, Bearin, Palma & San Isidro	127,300,900	6,350.00
9-Bogo-Medellin-Cebu..	19,517,459	1,000.00
15-Danao	12,215,281	600.00
19-Hawaiian-Philippine	66,622,099	3,350.00
22-La Carlota	92,826,150	4,650.00

24-Lopez	31,631.441	1,600.00
26-Ma-ao	49,922.717	2,500.00
32-Ormoc-Rosario	16,243.309	800.00
36-Pilar	23,019.235	1,150.00
38-San Carlos	41,941.601	2,100.00
40-Sta. Aniceta, Leonor and Lourdes	11,407.496	550.00
42-Santos-Lopez a n d Janiuay	22,048.528	1,100.00
44-Talisay-Silay	52,961.728	2,650.00
46-Victorias-Manapla ..	119,307.312	5,950.00

3. Applications for milling license shall be made in letter form to the Sugar Quota Administrator at a date prior to the commencement of milling operations for the 1950-51 crop. Such applications shall be accompanied by money order, draft, or certified check payable to the order of the Sugar Quota Administrator covering the license fee corresponding to the combined Mill District United

States and Domestic allotments as set forth herein at the rate of ₱50 for every one thousand short tons or fraction thereof not less than five hundred short tons: *Provided, however,* that nothing in this Order shall be construed as denying the Sugar Quota Administrator the right to revise the license fee as may be required or authorized by law.

4. For a mill company which manufactures sugar in excess of its total "A" and "B" allotments as listed in Paragraph 2 of this Order, said mill company shall be charged an additional milling fee corresponding to the excess sugar manufactured.

V. G. BUNUAN
Administrator

Approved:

CORNELIO BALMACEDA
Secretary
Department of Commerce and Industry

APPOINTMENTS AND DESIGNATIONS

BY THE PRESIDENT OF THE PHILIPPINES

Designations:

Ildefonso Romantico as Acting Provincial Governor of Palawan, February 13, 1951.
Jesus Iriarte as Acting Chairman of the Board of Tax Appeals of the province of Cebu, February 21, 1951.
Angelo Eduarte as Acting Chairman of the Board of Tax Appeals of Camarines Sur, February 6, 1951.
Mariano G. Pineda as Acting Securities and Exchange Commissioner, February 9, 1951.
Hon. Jose Figueras, Acting Chairman, and Ernesto Elustre, Member, of the Governing Council of the People's Homesite and Housing Corporation, February 13, 1951.
Hon. Sotero Baluyut as Acting Chairman of the Board of Directors of the National Shipyards and Steel Corporation, February 7, 1951.
Manuel Felizardo as Acting Member of the Board of Directors of the National Shipyard and Steel Corporation, February 7, 1951.

Appointments:

The Chief Signal Officer, Armed Forces of the Philippines and the Director of Telecommunications as Members of the Radio Control Board, February 23, 1951.

Municipal Officials:

Zoilo Cepeda and Rodulfo Ragas, Councilors of the Tubay, Agusan, February 23, 1951.

Felipe Rint, Councilor of Indang, Cavite, February 23, 1951.

Domingo Libaton, Councilor of Canlaon, Negros Oriental, February 27, 1951.

Cirilo Galapon, Councilor of Guimba, Nueva Ecija, January 18, 1951.

Narciso Llena and Espiridion Corpuz, Councilors of Quezon, Nueva Ecija, February 23, 1951.

Feliciano del Rosario, Councilor of Maddela, Nueva Vizcaya, February 9, 1951.

Jordan Mejia, Floriano Fontanilla, and Maximo Mandac, Councilors of Aglipay, Nueva Vizcaya, February 15, 1951.

Roman Abuan, Vice-Mayor of Asingan, Pangasinan, February 23, 1951.

Francisco Bilbao, Vice-Mayor of Matnog, Sorsogon, February 15, 1951.

Gervasio Yparraguirre, Councilor of Carrascal, Surigao, February 6, 1951.

Ciriaco Efren, Councilor of Mainit, Surigao, February 23, 1951.

Procopio Talon, Vice-Mayor and Pedro Gabriel, Councilor, of La Paz, Tarlac, February 9, 1951.

Domingo Bautista, Councilor of Moncada, Tarlac, February 14, 1951.

Agudo Soriano, Councilor of Moncada, Tarlac, February 14, 1951.

Flavio Suniel and Daniel Lumapas, Councilors of Molave, Zamboanga, February 27, 1951.

HISTORICAL PAPERS AND DOCUMENTS

**Budget message of President Elpidio Quirino to the Congress
of the Philippines, submitted February 6, 1951**

**MALACAÑAN PALACE
MANILA**

February 6, 1951

GENTLEMEN:

Pursuant to the provisions of the Constitution, I am submitting herewith the Budget of the National Government for the fiscal year ending June 30, 1952.

This Budget comprises a program of expenditures predicated upon the execution of the tax program which I recommended in my previous messages. It includes ample provision for the continuation of essential services and also provides for the necessary counterpart funds for economic development.

I consider it necessary that you be apprised at the outset of the fiscal position of the Government before you scrutinize the important items contained in the Budget. For your immediate purposes, I am giving below a comparative estimate of the receipts and expenditures for the current fiscal year and for the fiscal year 1951-1952:

SUMMARY STATEMENT OF RECEIPTS AND EXPENDITURES

Details	F. Y. 1952	F. Y. 1951
RECEIPTS		
Ordinary receipts	₱373,372,500.00	₱333,690,300.00
Extraordinary receipts	2,184,500.00	2,109,500.00
ADD—		
Certificates of indebtedness issued in 1950.....	7,037,700.00	
Treasury notes issued in 1950.....	14,893,800.00	
Treasury bills issued in 1950.....	15,000,000.00	
Treasury bills issued in 1950 (Manila Railroad Company).....	1,800,000.00	
Loan from the United States Government	70,000,000.00	
Loan from the International Monetary Fund	22,000,000.00	
Overdraft line from the Central Bank	44,000,000.00	
Advance from the Central Bank for irrigation projects (F. Y. 1949)	11,000,000.00	
Advance from the Central Bank for irrigation pumps.....	1,000,000.00	
Advance from the Central Bank for fertilizers	1,000,000.00	
Advance from the Central Bank for control of abaca diseases	500,000.00	
 Total receipts, including loans and advances.....	 ₱375,507,000.00	 ₱524,081,300.00

EXPENDITURES

Ordinary expenditures	₱407,049,809.00	₱376,198,853.00
Extraordinary expenditures.....	* 73,347,470.00	90,979,900.00
ADD—		
Repayment of advances from the Central Bank.....	.....	44,000,000.00
Redemption of treasury bills due on March 31, 1951.....	.....	15,000,000.00
Advance to the Manila Railroad Company .....	.....	1,800,000.00
Advance to the Department of Public Works and Communications for irrigation projects (F. Y. 1949).....	.....	11,000,000.00
Advance to the Department of Public Works and Communications for irrigation pumps.....	.....	1,000,000.00
Advance to the Department of Agriculture and Natural Resources for fertilizers.....	.....	1,000,000.00
Advance to the Department of Agriculture and Natural Resources for the control of abaca diseases .....	.....	500,000.00
Interest on overdraft line from the Central Bank.....	800,000.00	800,000.00
Interest on advances for irrigation pumps and fertilizers.....	520,000.00	520,000.00
Interest on treasury notes.....	409,570.00	409,570.00
Interest on treasury certificates	140,750.00	140,750.00
Repayment of loan from the United States Reconstruction Finance Corporation.....	50,000,000.00	.....
Counterpart funds—		
Government sponsored development projects.....	50,000,000.00	.....
Public works projects.....	30,000,000.00	.....
Total expenditures.....	₱612,267,599.00	₱543,349,073.00
Excess of expenditures over receipts.....	(₱236,760,599.00)	(₱19,317,773.00)
Add—Deficit at beginning of period.....	** (248,226,902.41)	(228,909,129.41)
Deficit at end of period.....	(₱484,987,501.41)	(₱248,226,902.41)

As above shown, the accumulated deficit in the General Fund up to June 30, 1950 amounted to ₱228,909,129.41. This deficit represents the difference between income and other receipts and expenditures. The budgetary loan of ₱120,000,000 from the United States Reconstruction Finance Corporation of 1947 is included in the receipts, otherwise the total deficit will be ₱348,909,129.41.

The total accumulated deficit as of June 30, 1952, is estimated at ₱484,987,501.41.

It is already known to you how the deficits which have been incurred since February 27, 1945 to the end of the current fiscal year have been financed. Prewar savings had been used up. The special funds have been drawn

* This includes counterpart funds amounting to ₱3,834,440 representing departmental development expenditures.

** The loan of ₱120,000,000 from the US-RFC was included in the receipts for the fiscal year 1946-47.

upon. The money market cannot be made to absorb more government securities under present conditions. The Central Bank has accommodated the Government to the full amount permitted by its Charter. I do not believe that we could continue relying on the hope that further budgetary assistance can be secured from the Government of the United States.

Under the circumstances, there is no other alternative open but for Congress to provide additional revenue in order that the Government may continue supporting the present services, to cope adequately with the additional burdens imposed by the present emergency, and provide for the requirements of those projects that increase and expand the productive capacity of the economy.

The tax measures that I have submitted are calculated to provide the means necessary for all these purposes. These measures are the key not only to balancing the budget but also to improving the financial atmosphere in order that investments both in private and public projects may increase and the unemployment problem alleviated. They are the antidote to the rising prices that even now are victimizing the lower income groups. They are vital steps that this nation must take towards economic stability and progress.

In my sincere desire to eliminate all unnecessary and wasteful spending, I created a Reorganization Commission to study and help me simplify the government machinery in order to achieve economy and efficiency. After an exhaustive and extended survey, the Commission submitted a report and a plan that would realize the maximum economy consistent with the efficiency and requirements of government service. It may be recalled that the Bell Mission itself, after a careful survey of the local scene, came to the conclusion that government expenditures could hardly be reduced. Indeed, it has pointed out that the appropriations for many services like education, agricultural extension work, and others that provide the basis for sound economic development are far from adequate.

All the expenditures outlined in this proposed Budget are vital to the maintenance of the nation's social well-being, economic and political security, and continued progress. Efforts have been exerted to avoid unnecessary or wasteful expenditure. Adaptability and adequacy for meeting and providing for the actual needs of the people has ruled the formulation of this proposed Budget.

It is easy enough to slash the Budget to even one-half of its present size, but the immediate hardship and consequent lowering of the standards of living of a great portion of our public servants and the serious repercussions on the social life of the community cannot be ignored.

Furthermore, expenditures for commerce, agriculture, and

cation, health and sanitation, and security indirectly but effectively contribute to the accomplishment of the same end.

I am presenting a financial picture of the major functions of the Government, showing a comparative statement of the amount spent for each function during the last two fiscal years, and the program of expenditures recommended for the coming fiscal year:

Items	Fiscal Year 1952	Fiscal Year 1951	Fiscal Year 1950
National defense.....	₱168,906,360.00	₱147,382,335.00	₱103,342,607.19
Social improvement.....	152,609,045.00	152,774,550.00	153,067,657.36
Economic development.....	161,565,709.00	73,501,280.00	99,726,970.75
General administration.....	64,702,525.00	80,901,250.00	56,884,343.25
Repayment of loans and advances, including interests	51,870,320.00	76,170,320.00	.....
Legislation	6,701,450.00	6,701,450.00	6,393,110.44
Administration of justice..	5,912,190.00	5,917,888.00	7,251,257.20
Total	₱612,267,599.00	₱543,349,073.00	₱426,665,946.19

The Department of National Defense, with an additional ₱16,059,565 from other items,* has a total appropriation of ₱184,965,925 which is the biggest allocation in the program of expenditures. Its budget takes up 49% of the total annual revenues of the National Government and 30% of the total annual expenditures. I recommend that no reductions of this proposed appropriation be made at this time. As a token of our adherence to the United Nations, we should continue to maintain our expeditionary forces in Korea during the next fiscal year. The ten battalion combat teams authorized in Republic Act No. 591 should be organized, equipped, and put in operation without loss of time.

The prompt settlement of our peace and order problem must be accomplished. The other activities of the Government, as well as private pursuits, cannot be undertaken effectively if depredations by the lawless elements and their threat to overthrow the Government continue to exist. If funds permit, more battalion combat teams should be organized.

If we are to progress further as a nation we must continue to improve the quality of our human resources. Children

* The ₱16,059,565 is due to the following items placed under other functional classifications:

1. Appropriation for Office of the Secretary (Gen. Adm.)	₱122,180.00
2. Pensions for veterans of past Philippine revolutions, etc. (Pensions & gratuities).....	2,045,200.00
3. Philippine Constabulary (Law & Order).....	12,658,760.00
4. Bureau of Coast & Geodetic Survey (Dev. of Commerce)	1,083,425.00
5. For payment of claims of deceased Filipino members of the U. S. Ground Forces (Pensions and gratuities)	150,000.00
	₱16,059,565.00

must be sent to schools and the standard of instruction in these schools improved. The total appropriation for the Department of Education is ₱141,428,280, almost equal to its appropriation for the present fiscal year. This is 38% of the total annual income and 23% of the total annual expenditures. Suggestions have been made time and again that this appropriation be reduced. Steps in that direction have been taken but have met with little success, the main reason being that to reduce further the personnel and facilities of the schools will result in the deterioration of the present standards of instruction and the deprivation of poor children of the privileges and opportunities enjoyed by those with better means.

Furthermore, I have been informed that in the coming school year there will be a considerable increase in the number of children of school age which will necessitate the opening of new extension classes. I wish to point out that no provision has been made for such additional classes in this Budget.

In view of the conditions obtaining in our educational system, I recommend a restudy of our educational policies with a view to making further revision thereof to suit not only our financial limitations but also to improve the quality and change the emphasis of the training programs offered by the schools in favor of vocational education.

I wish also to invite your attention to the fact that the Constitution only guarantees free primary instruction. We are now, however, giving free elementary instruction including the intermediate classes. I recommend that you consider the advisability of shifting this burden to local governments and of granting them authority to charge tuition fees as a means to raise funds for the maintenance of those classes.

I have created a Social Welfare Administration which now exercises the combined functions of the former Social Welfare Commission, the PACSA and the War Relief Unit. This was done not only to achieve economy but also to make the distribution of relief more efficacious and equitable. I have requested the restoration of the former appropriation of ₱4,000,000 for the PACSA. This is necessary because of the increased activities of the dissidents which, as a consequence, will also increase the number of victims to be given relief. Humanitarian considerations must counterbalance the strong measures being taken against those who would listen to no entreaties for the restoration of normal life in our country.

In spite of limited appropriations for the Department of Health, we were fortunate in that no epidemic has visited our country since liberation. Reduction of the appropriation for this department would not redound to the best interests and welfare of the people.

The volume of work performed by the bureaus and offices

does not warrant the reduction of their appropriations. I wish to invite your attention at this juncture to the many rehabilitation projects awaiting appropriations. The maintenance of existing public improvements has been neglected for sometime. I recommend for your immediate consideration the necessity of providing appropriations for this purpose not only for the continuance of services heretofore rendered but also to prevent deterioration and consequent loss of properties in which considerable funds have been invested.

In the program of expenditures, I have included a reasonable amount of ₱50,000,000 for government sponsored development projects and ₱30,000,000 for public works projects which are necessary counterpart funds to step up the tempo of our economic development. Our efforts should be directed towards increasing the production of the established industries and diversifying the pattern of production in the economy. By moving aggressively in the direction of planning and programming our projects in detail and by providing the incentives, particularly the indispensable public works projects in the production areas, we may yet lay the foundations in our generation for vigorous and stable economic growth.

The tax program I have submitted to you is a vital cornerstone of our economic policy. We depend upon it to enable the Government to operate efficiently without deficit spending. We depend upon it to relieve the inflationary pressure that excess buying power is exerting on prices. We depend upon it to reduce the level of demand for high importation of non-essential consumption items and the pressure on the international reserve. And we depend upon it to provide a non-inflationary source of financing of our economic development program and reducing unemployment.

We would be doing the public a disservice if we do not recognize that we are in difficult financial circumstances. But with determination, diligence, and careful planning, I am confident that we will emerge successfully from these financial difficulties. And with the intensive and vigorous campaign we have launched to insure our internal security, I am hopeful that before long the proper climate for concentrated economic development will be created. By then, we will be in a position to reduce considerably the enormous appropriations we are setting aside for national defense and allow us to accelerate our program to raise the level of well-being of the people.

Respectfully,

ELPIDIO QUIRINO
President of the Philippines

Address of His Excellency Elpidio Quirino, President of the Philippines, on the Sixteenth Anniversary of Constitution Day, Manila Hotel, February 8, 1951:

Dear Friends:

I rejoice in the opportunity to celebrate with you the 16th anniversary of our Constitution.

We have a great document in our Constitution. The combined knowledge and wisdom of the best available minds of our people and the experience of other free peoples that made the history of the world found expression in that noble formulation of our system of government. It is comparable with the best that modern civilization has or knows for free men anywhere.

I am proud that I was one of its signers; and, if only to bring back to mind my association with the country's greatest talents who framed that wonderful document, this banquet, to me, is an occasion for rededication to the high ideals that guided its adoption, as well as a reconsecration to the best interests of our people and renewal of pledge for the preservation of their liberty and freedom.

But as we grow in years we realize that our Constitution is not a perfect document. It is not a final revelation for all time, and it was not meant to be. It is well that it was not, for it is a living thing. It must grow as we grow, and it must change as we change in response to the needs of our separate times. Verily, the Constitution lives for the people and not the people for the Constitution.

Thus, since the birth of the Constitution, the imperatives of our very own experience as a nation, more than as demanded by our political and economic transition, have required inescapable changes in the brief space of 12 years (1947 being the last time we amended the fundamental law of the land). For the nature of the government it set up combines permanence with provisions for progress.

But while the Constitution must be constantly adopting new premises from life, eliminating mere survivals from the past, it does not follow that it can be and must be changed with every fresh drift of opinion by chance, whim, or fancy.

However, there should always be reason for testifying to our capacity for improvement. On an occasion such as we have today, we do well to refresh our minds in the spirit of the Constitution to check up our bearings, adjust our sights, and strengthen the loyalties which it defines.

The spirit of our Constitution as reflected in those loyalties is something we hope to maintain through the processes of time. It accentuates and sets store by the civilian way of living together in the Republic, the way of preserving our liberties and decencies of social intercourse against the frenzies of the despotic and violent temper.

Something must be done to make our Constitution a living

repressed, have a tendency to foster and poison the entire body politic, must be adjusted and synchronized to reduce not only the frequency but the expenses of elections. Experience has shown that constant political tension has marred and dismally delayed the solution of many of our constructive national problems.

Safeguards for the legitimate succession to power, through the normal democratic processes, of able men inspired not solely by political and personal convenience, nor by force or violence, should be at the back of our minds when we consider our fundamental charter.

The task of the present and the future, a task of civilization superior to all others, is to preserve the idea of constitutional processes as contrasted with the authoritarian principle of despotism and keep it anchored firmly in the minds and affections of succeeding generations.

The sad spectacle today is the presumptuous role of people outside of the law and their sympathizers who would dictate on what the government should do to facilitate their march to power or exact their terms for the abandonment of their nefarious activities. Backed with the force of arms, the pretension is not only revolutionary but suicidal to our democratic existence. How to meet the situation squarely and intelligently but effectively is the problem of the hour. Other countries are confronted by the same problem at this moment.

Our task is rendered many times more difficult because we are building as we are being divided and destroyed. We are compelled on occasion to depart from the normal procedure by force of fact and circumstance attesting to extraordinary danger. Thus it is that in the crucial test between freedom and tyranny, between democracy and communism, the constitutional spirit is placed under the severest strain.

The mortal enemies of our Republic may invoke, as they do, the protection of the Constitution they seek ultimately to destroy.

Communist propaganda in our midst is distracting public attention from its conspiracy to overthrow our government surreptitiously seducing public sympathy by utilizing the Constitution to protect the plotters against national security.

The conspiracy is now well-known. The details of its systematic execution have taken some time in unfolding. The reports of the daily press confirm the vigor of a widespread, ruthless movement for the violent overthrow of our democratic system. "Revolution" is their confessed watchword. Enough innocent lives have been sacrificed; enough property has been destroyed.

We certainly do not propose to permit our Constitution to be used as a shield for crimes against citizens and the State, in the transparent pretense of restoring civil liberties and democratic processes.

We should be less than innocent and not allow it to be a springboard for the defense and comfort of aggressive aspir-

circumscribed to terrorizing defenseless citizens, murdering them, looting their possessions, imposing tributes, and subscribing to the inevitability of progress by force and violence.

What should challenge our action more in this perilous period is the question not only of rights affirmed under the Constitution, but of duties that devolve upon us to keep the document a living thing and to sustain a government embodying its spirit.

We have been wont to regard the Constitution as a mere compendium of inalienable rights, but seldom as a code of duties. We have been wont to think of it for what there is in it for us; quite a number, for what indulgences it authorizes and dispenses for their selfish gratification. Very few have thought much of the labor, the struggles, the sacrifices out of which the rights were earned and for which the noble document acquired meaning. Certainly, many merely thought of themselves as lucky heirs to an ample fortune that they could squander after having established their title.

What we should all know and what every new generation should know is that the Constitution can continue to be a fruitful instrument of rights only as we conscientiously contribute our share of duties in terms of our own labors and sacrifices to preserve and maintain our inheritance, our way of life, our system of government.

"The defense of the State is a prime duty of government," says our Constitution. But our responsibility as citizens and the ordinary rights of individuals must yield for the security of the State. The duty of the State to protect the life, liberty, and property of the people requires a corresponding obligation on the part of the individual citizen.

The right to life, liberty, and property derives meaning from the obligation to respect them, protect them, and preserve them in others, not in any license for inhumanity, violence, and indiscriminate vandalism or appropriation.

The honesty, discipline, and competence called for in the daily conduct of our lives cannot be supplied by the Constitution however perfectly it is worded or however ingeniously it is amended in accordance with the latest predilections and fancies in the struggle for power. The initiative for all those imperatives must start from our individual hearts and consciences if our Constitution is to have real flesh and blood.

We should ask ourselves what we should do and what we should give to keep us strong and united in facing the threat to our freedom and common existence—even yielding on occasion and for the moment certain of our individual rights where they are outweighed by the exigencies of common security and wellbeing.

A good citizen makes a good government; a good government makes a good constitution. In the same way a bad

Civic virtue or civic conscience is essential to good government. Where the citizen lacks it, and tolerates disrespect of the law or abets the flagrant violations against life, against property, against civil rights, he helps undermine good government, himself becomes a menace to good government and society. Where the citizen lacks civic virtue, he easily falls victim to distrust of government fomented and fostered through consistent, mischievous political propaganda to compensate for defeat and frustration.

My dear friends, in your own provinces, you have seen numerous examples of crimes systematically committed against the life, liberty, and property of innocent men, women, and children. If stout lovers of the Constitution come out to defend the perpetrators of these crimes and apologize for them, we should not be surprised if we had a meaningless Constitution. And we should be less surprised that, realizing the danger, we avail ourselves of the extraordinary remedies under the Constitution for the security of the State and for the protection of the poor, defenseless citizenry.

We are not giving the Constitution a chance to succeed if we easily fall for enemy propaganda that exploits the constitutional spirit to effect the destruction of our free institutions, if we let the enemy divide us on the artificial issues they create to camouflage their conspiracy and distract us from the urgent job of restoring the peace and tranquility of our communities, increasing our productivity and raising the general well-being.

We are not giving the Constitution a chance to succeed unless we take to reinforcing our moral and spiritual sinews, unless we let our conscience govern our action and rule out the fears, distrust, and bitterness among ourselves which vitiate common understanding and cooperation.

The Constitution cannot supply us the character we need and lack. On the contrary, we must develop integrity that can make our Constitution, or any constitution, a valid charter of our liberties.

Members of the Philippine Lawyers Association, you can be of immense service to the system of freedom that our Constitution celebrates by developing our moral resources and dedicating them to the charter's broadening fulfillment in our daily thought and practice.

You can reduce to the minimum the technical hocus-pocus for evading duties and responsibilities and for creating issues that serve to confuse, divide, and embitter the people when the need is for good will, understanding, and solidarity.

As individuals and as a people, we can survive our perils and emerge the stronger when we cherish the Constitution not merely as an affirmation of rights but as an injunction to civic duties for the perpetuation of a free and democratic

Extemporaneous speeches of President Elpidio Quirino and Ambassador John Foster Dulles after the formal dinner given by the President in honor of Ambassador and Mrs. Dulles at Malacañan, Monday evening, February 12, 1951:

THE PRESIDENT'S SPEECH

About two years ago I had occasion to invite the attention of the American people and government regarding conditions in the East. I asked then the eyes of America to turn to the East. My invitation at that time was not warmly heard nor accepted. But since then I have been observing a great change in the attitude of the American people and government. And today America is looking toward the east. The United States has sent her special envoy to come and see the East. We are certainly fortunate and I wish I can look back to this moment that Ambassador Dulles has found time to reach our country and make a study and observation of the conditions obtaining here.

In the past we have been overlooking—many of us two peoples on both sides of the ocean—the Philippine situation on its moral and idealistic phase. Many of us have considered the Philippines as a mere military objective and in its defense we have been measuring the capabilities of both peoples to defend our country from the point of view of military strategy.

We have been forgetting the moral value of the continued existence of the new Republic to the United States and to the world. Thus, the moral and the ideal phase of our defense has been neglected or minimized. And the material, or military and economic defense, has been given more importance and immediacy, and the lasting moral and ideal defense, or defense of the ideal, has been considered in secondary terms. The first is only temporary; the latter, permanent. The former affects the life of the nation; the latter, its soul. The Philippines as a country will never die, but our democracy may die. It is the soul and the ideal of the people that must concern us—if we have to live as slaves or as freeman with dignity.

America has made a great investment for the perpetuation of a new democratic life in this part of the world. That moral heritage we would like to keep; we would like to be its exponent in our region; America expects us to be the living example in the realization of her benign policy to make free men, lifting their standard of living, of peoples long held in bondage. You even go further by representing us as the "show-window" of democracy.

America's mission here is more important than merely democratizing an already civilized people and a well established government. These will know how to take care of themselves. We are still rising from our prostration. And yet we are expected to carry out America's mission.

Mr. Ambassador, I am glad that you have come to study and observe the relative importance of America's responsibility in the Orient. We have a

opportunity to review with you our situation in the light of the most distressing moments in our lives as free peoples.

Our international clock has been slow in the past. Other peoples across the seas, whose preferential claim to your attention has detained America for some time, and whose pressure for assistance has held the hands of our Far Eastern clock, are now properly organized. And you again designated your best military genius to work out a program of defense in the Atlantic seaboard.

All we want here, the peoples of the Orient, menaced to the same extent as your allies in Europe, is to set up our proper defenses with America's guidance, sponsorship, and effective support, so that when the hour of redemption from the evils of Communism arrives, it will strike simultaneously, not only in the Atlantic but also in the Pacific, and throughout the whole world, to the honor and glory of the United Nations, particularly of the United States of America, the new-found leader of the free world, and ultimately of its great President, Harry S. Truman.

(Toast to President Truman.)

AMBASSADOR DULLES' SPEECH

Mr. President:

I have been deeply touched by your remarks which have proven truth and wisdom. I think you are quite right that the United States has been very slow to realize the importance of the affairs taking place in Eastern Asia * * * I think that we have been very slow to recognize the great forces that were being set afoot here in Asia.

Those who want to seek world mastery saw in the early days the great importance which Asia had in their program of conquest, and I have so often quoted the words of Stalin, written over twenty-five years ago, where he said that "the road to victory over the West lies in revolutionary alliance with the peoples of Asia." And the program which we now see emerging here in Asia is not something that just happened only overnight. It has happened as a result of careful planning by those who seek world mastery.

While all this has been going on for twenty-five years, we came now to see what is going on and how serious it is * * * But we are beginning to see the importance of developing Asia. And in all of that effort, I want to assure you we attach the utmost importance to the relations between our country and your country. I think that relationship symbolizes something which is very special and particularly significant at this time, because to show unity we can surmount what to me would seem to be a great difference and that, I think, is the key to the solution of the problems that face us.

Those who seek world conquest have always been trying to set class against class, nation against nation, and race against race, and of course they have been trying particularly here in Asia to set the West off against the East and create differences between us.

Well, the fact that the Republic of the Philippines and the Republic of the United States are united I think the outstanding symbol of what all the nations and all peoples should seek or find a way to do, to find unity which exists between all human beings and not think about differences which they suffer. And so, I want to say that while the United States has friendly relations with all the countries represented around this table, there is no relationship which means more to the United States than the good, happy, and enduring relation which we have with the Philippines. I hope to come back here in the future and testify to that certainty.

Extemporaneous remarks of His Excellency, Elpidio Quirino, President of the Philippines, at the 46th anniversary of Rotary International, February 22, 1951, Palm Court, Manila Hotel:

Mr. Chairman, Ladies and Gentlemen, and Friends:

Yes, I left my bundle of worries at the palace when I came to join you this evening. But the first thing I would like to dwell upon and give meaning to my presence here as the *gobernadorcillo* of this *barrio* is the exercise of my authority, my powers, and prerogatives which many of my ill-wishers are denying me as President of the Philippines.

I think I have the right to exercise my powers not only of punishment but also of imposing fines upon members of the Rotary Club who did not conduct themselves properly this evening. I think that power is vested in me as honorary president of this organization.

In order to impress upon you the seriousness and finality of my executive power as *gobernadorcillo* of this *barrio*, I will begin by imposing the punishment upon the president of this association. He began in a very serious vein. He didn't even smile when he introduced the distinguished guests here. He smiled only when he introduced the two beautiful ladies, Mrs. Moran and his wife. For being so serious and for having told you half truths, because he said his wife has only something to add to his words instead of saying his wife has always the last say, I am imposing upon him a fine of ₱20. [Applause.]

When I was entering the premises of the hotel, I was met at the entrance by somebody who was called the *barrio* policeman. He didn't look like a policeman; he looked like a dilapidated, defeated *guardia civil* and he abused his

authority by greeting me with a smile. I impose upon him a fine of ₱10 for his misconduct. That policeman, I think, is Lou Rifkin.

As I sat down here and gazed around in order to find out whether I have some friends who would protect me at the rear, I happened to see another policeman. While I was looking at him, he approached me and noticed he had a cigar in his hand. No policeman on duty should have a cigar in his hand. For such misbehavior I impose upon him a fine of ₱10. The policeman is Certeza.

I was told this evening that I was going to crown several queens. I asked Mrs. Legarda and President Legarda how the beauty queens were elected. "Oh, they are already selected," they answered. "Selected! I thought there was an election?" "Oh, yes, they were elected." "By what process, by block voting?" I asked. "No," they said, "by dark voting." For such misconduct I impose a fine of ₱10 upon Miling Lichauco, the one who conducted the election.

Now I must take out of my system something which has been bothering me since I sat down here. At first I sat on the left of Mrs. Legarda, and I saw the beautiful flowers decorating her head. Recently I have been fond of planting roses in the palace. That is my weakness now—to see, plant, and smell roses. And every time I gaze on Mrs. Legarda I see somebody is guilty of putting those flowers to shame because they can't decorate such a beautiful face as Mrs. Legarda's. For that mistake, I am going to impose a fine of ₱20, not upon her, but upon her husband.

Well, my dear friends, now that I have satiated myself in the exercise of my executive powers conferred upon me this evening by way of consolation because of the manner in which some have been trying to rob me of this authority under the Constitution, I think, I can devote a few minutes of my time to real relaxation with you. It is a good, moonlit night. When I saw the moon peeping behind the Manila Hotel, I longed for a hand to hold so that I could contemplate that beauty ecstatically, but I am sorry I have no Rotary Ann. Will you please help me get one?

This evening is certainly conducive to the peace of the soul. The decorations which were being placed here last night when I dropped in gave me the impression that we would not have beautiful surroundings this evening. But I was pleasantly surprised when I came in to see that those small *barong-barongs* are good sources of enjoyment. They are giving an excellent opportunity to many. This brings back to my mind a face which I could distinguish easily, one who has shown such fondness for eating *bibinkas* in public and in the presence of his wife. I think for such

fondness for *bibinkas*, he should be fined ₱10. I refer to Mr. Benito Montilla.

Certainly, we need an occasion like this. After all these years of vicissitudes through which we have passed and after all the troubles that are now occupying our minds, our souls and our hearts, and faced with the impending danger of another war, and all the conflicts that we hear in every corner of the Archipelago today because of troubled times, I think we should have a pause to smooth out those deep grooves in our faces which are nothing but the signs of what we have been hearing during these months. My grooves, especially, are due to monetary difficulties of the Government, to local confusion, and to an impending war. I want to iron out those grooves this evening and I invite each and every one of you here as well as our friends hearing these remarks over the radio, and the general public, to manage to talk of something more pleasant, of something that will provoke more good cheer and hilarity and not to dwell on things that are serious, on grave problems that occupy our minds not only as individuals but as citizens of this country striving hard to maintain our national existence in the struggle for survival.

There are so many beautiful things in the Philippines that can be the object of our thoughts, the subject of our conversation, and even the topic of beautiful poems—not the poems that Dr. Bocobo usually dedicates to serious problems—but poems that will describe the beauty of the Mayon volcano, the beauty of the Pagsanjan falls, the beauty of Zamboanga, the beauty of Baguio, the beauty of our lakes, our rivers, our brooks, our mountains, in short, our surroundings, things that give us the idea that this is really a haven during these times.

There are so many things that would attract us or distract our attention from serious problems. They could serve as topics for discussion, for ordinary conversation designed to change the mood of our people.

This country has been suffering from three centuries of struggle. We struggled hard during those days when we were still trying to unite our people; we struggled hard when national consciousness crept into our national conscience; we struggled hard when we thought we could win our sovereign independence in the battlefield; and we struggled hard to fight the common enemy, to ward off other aggressions which came in successive waves during our struggle for liberty and freedom. We are still struggling hard and if you are going to frown upon every word, every movement, every attitude, everything that may make us feel deeply concerned about our future, there will be no time left for us to think of and enjoy the beauty of living.

Why do we need to suffer on earth? It is not true we were born just to suffer, as the Bible and the pessimist say.

This is not a valley of tears. The Creator has created mankind not to suffer but to live and take advantage of the bounties that God has bestowed on humanity. And if you are going to take literally what is always preached, that we should always suffer in this world in order to be entitled to eternal happiness above, I don't know that anybody has received any communication from beyond the tomb that there is sure happiness for all of us. There are so many sinners on earth. There are so many of us who are sinners that we cannot all expect to enjoy eternal happiness while in heaven.

So, while we are here, why not take advantage of the bounties of Heaven and see to it that we justify our existence by honoring those that God has bestowed upon us and has placed within our grasp? As a part of humanity, it is for us to advance the spirit of humanity; it is for us to improve the life of the individual; it is for us to improve the life of our nation; it is for us to improve the life of the world. With that conviction, we are going to make our time useful and fruitful.

The Rotary Club, founded for the purpose of serving other fellows as a civic organization based on good cheer, good will, friendship, and brotherhood throughout the world, interprets better our life on earth by inspiring society to live pleasantly, usefully, cooperatively. It enjoins its members to make life worth living, promote friendship and good relations, and establish the brotherhood of man. At this moment the Rotary Club is demonstrating its constructive program. Many things can be accomplished with good intention, good cheer, and pleasant company. It is this, and principally this, which has enabled the Rotary Club to survive and prosper. The Rotary Club, composed as it is of members from every walk of life, is a veritable international organization. It is spreading the theory of internationalism in a spirit of good cheer and good will.

You may not realize it but the deeds of Rotarians today will outlive any military victory attained ever since we have known how to fight with arms and employ violence to gain advantage over our fellowmen. We need today that spirit of internationalism and as you celebrate the 46th anniversary of the founding of the Rotary Club and the 32nd anniversary of its counterpart, its chapter—when I say chapter and see Mr. Checchi I always think of counterpart, my present obsession. If you will permit me to digress, I should like to refresh your memory regarding the usual practice in *barrio fiestas*. In *barrio fiestas*, we usually erect a greased pole and place a coin on top of it so that the children may climb the pole. Whoever reaches the top gets the coin. The game is called *palo sebo*. I don't see any pole here. If we had one, I should like to demonstrate in a practical way how to reach the top under the ECA process.

We are supposed to carry with us a handkerchief full of ashes when we climb the pole. The first boy climbs his way by using the ashes; perhaps he climbs one or two meters but because his supply of ashes gets exhausted, he comes down so that another two or three will take turns to climb until the pole has been cleared of grease and the last climber gets the coin. That is a system of cooperation on the part of the youth of each barrio for the purpose of winning the prize on top of the pole. But usually there are only four or five boys who carry the ashes.

In connection with the ECA assistance, however, we are expected to approve so many bills, so many resolutions, involving the collection of at least ₱565 million of income. These bills are supposed to be the bundles or handkerchiefs full of the ashes we need to reach the top of the pole. But we are weak, and we don't have so many bundles of ashes. So I would like Mr. Checchi to take this to the United States. We are ready, willing, and determined to climb the *palo sebo* in our aspiration to get the coin that is on top—the U. S. assistance under the ECA. But please don't impose upon us when we cannot reach the top of the pole. What we want is a little bit more of encouragement for our spirit, for our determination. Fortify our muscles, we can climb higher than that. And we will show that we are not going to be a failure as the counterpart of the United States in its benign policy of extending democracy to this part of the world.

Talking about the necessity of cooperation today, I am reminded that your celebration this evening coincides with Washington's birthday. This brings to our mind the days of struggle in the United States to establish its new independent government.

Shortly after the establishment of that government, we too had our own turmoil. America had had serious disputes, especially the one between Jefferson and Hamilton and all the rest of the political leaders of the day, but there is one remarkable thing about that struggle—the head of state, George Washington, was allowed to exercise his prerogatives in accordance with his sound judgment as the father of his country. And those who were disputing about the best theory, the best procedure, the best mode of approach, confined their discussions and quarrels to themselves. They never degraded, they never dishonored, they never pulled down George Washington as head of the government.

I would like to see that repeated in our country. It is true I am not a George Washington, but I want you to remember that the first President of the Republic, President Roxas, could not carry on within the four-year period of his term. His term was split into two. So he is the founder of the one-half of this Republic and I am supposed

to be the founder of the other half. Whether you like it or not, I have shouldered the responsibility; and whether you like it or not, I am the co-founder of this republic and all I want is for you to give me that opportunity, to give me your sincere cooperation, so that I may be able to guide this republic to the limit of our capacities and ambition.

[Applause.]

As we celebrate, therefore, the 46th anniversary of the organization of the Rotary Club, coinciding as it does with the day when George Washington was brought to the world to lead the American nation, let us derive inspiration from the high motives of the Americans who established the American republic and, coinciding as this celebration does with the great need for international cooperation among nations, let us impress upon our mind that the basis of sensible and universal internationalism is the spirit of independence and sovereignty of each nation so that every sovereign nation may be equal in dignity, in rights, and in self-respect to any other nation. You who are members of this Rotary Club have shown that spirit of equality, of dignity, of self-respect, on the basis of which you are doing your work in the promotion of good will and good cheer and of internationalism.

Ladies and gentlemen, this being a night devoted to the Rotary Anns, I want to join the Rotarians in honoring the affair. I am not a Rotary Ann, but there is always a woman in a man's life, and I want to join you in that spirit. The woman in me joins the women—the Rotary Anns—in celebrating this day, because we know that this is the only way in which we could give the proper encouragement and inspiration to the male members so that they may succeed in their international effort in fostering the spirit of brotherhood of man and the good will, the good cheer and understanding that the world sorely needs today.

I think I can be proud of the attitude taken by the present administration, when we gave opportunity to the woman population of this country to share in the great responsibility of building this nation. For the first time in history of civil affairs in this country, this administration gave a chance to the women to sit at the Cabinet. For the first time, too, we are utilizing the services of distinguished women to help us not only in administration but in setting the proper integrity among officials by appointing in different boards women of distinction, of integrity, and of intelligence, to represent their sex in all the high functions of government. I can cite, for instance, Mrs. Lim of the Integrity Board, Mrs. Legarda of the Moving Pictures Board, and other women in other boards. I think we have placed them also in the Price Control Board; we have placed them in the Import Control Board; we have placed

them in other bodies that assist the administration in carrying out its policies.

This evening being dedicated to Rotary Anns, I want to encourage those who are giving the members of this organization the proper incentive and inspiration to promote the stability of the home. I wish I could contribute my Rotary Ann, as I said, but give me time to do so; not just now.

I thank you, Mr. Legarda, for this opportunity to be with you this evening and to forget my worries; forget the worries of others at the same time; and deliver ourselves to the spirit of good cheer and relaxation. I shall not tarry longer because I am very eager to see your play and to go around guided by the spirit of the evening. Thank you very much. [Applause.]

DECISIONS OF THE SUPREME COURT

[No. L-1826. August 5, 1949]

JOSE L. GOMEZ ET AL., petitioners, *vs.* MIGUELA TABIA, respondent

1. PURCHASE AND SALE; CONTRACT, INTERPRETATION OF; SALE WITH "PACTO DE RETRO"; STIPULATION ON REDEMPTION MONEY AS TO AMOUNT AND KIND OF CURRENCY.—M. T. on June 24, 1944, executed a deed of sale with *pacto de retro* in favor of the spouses J. G. and S. A. on a parcel of land bearing transfer certificate of title No. 19817, for the sum of ₱5,000 in Japanese military notes with the stipulation about the redemption, to wit: "That our agreement is to the effect that within 30 days after the expiration of one year from June 24, 1944, the aforementioned land may be redeemed or repurchased '*sa ganito ding halaga*' (at the same price), and should the said land be not redeemed, the spouses Jose L. Gomez and Sinforosa Azores shall be the owners thereof, and this sale shall be final, without the necessity of preparing or executing any document." In 1945, after liberation but before the expiration of the period of redemption M. T. tendered ₱500 Philippine currency to said spouses to redeem the land but the tender was refused, so M. T. then deposited the sum of ₱100 Philippine currency with the clerk of court of First Instance of Laguna and tried to deposit the sum of ₱5,000 in Japanese war notes in the same court, for the said redemption. *Held*, That considering the circumstances surrounding the case, the phrase "*sa ganito ding halaga*" (at the same price), meant the same price of ₱5,000, in the currency prevailing at the time of redemption and not the equivalent in Philippine currency of ₱5,000 in Japanese war notes.
2. OBLIGATIONS AND CONTRACTS; PAYMENT; ABSENCE OF AGREEMENT; PAYMENT IS TO BE MADE IN LEGAL TENDER.—In the absence of any agreement to the contrary, it is always understood that all payment of an obligation is to be made in legal tender, namely, Philippine silver peso, half peso and gold coins of the United States. (Sec. 1612, Rev. Adm. Code.)

PETITION to review on certiorari a decision of the Court of Appeals.

The facts are stated in the opinion of the court.

Antonio L. Azores for petitioners.

Antonio M. Moncada for respondent.

MONTEMAYOR, J.:

This case originated from the Court of First Instance of Laguna where Jose L. Gomez and his wife Sinforosa Azores, claiming to be owners and in actual possession of a parcel of land covered by T. T. No. 19817, filed an action against Miguera Tabia for the purpose of securing judgment: (a) compelling the defendant to disclose the facts upon which she based her claim to the property; (b) declaring thereafter that the defendant has no title or interest

in said parcel; (c) declaring plaintiffs' title thereto as valid and binding as against the whole world; and, (d) perpetually restraining defendant from asserting her supposed rights to said real property. The action by the plaintiffs was founded on a deed of sale with *pacto de retro*, Exhibit A executed by the defendant Miguela in favor of the plaintiffs on June 24, 1944, on the parcel above referred to for the sum of ₱5,000 in Japanese military notes. The stipulation about the redemption by the defendant is contained in the following paragraph of the deed:

"That our agreement is to the effect that within 30 days after the expiration of one year from June 24, 1944, the aforementioned land may be redeemed or repurchased 'sa ganito ding halaga' (at the same price), and should the said land be not redeemed, the spouses Jose L. Gomez and Sinforoza Azores shall be the owners thereof, and this sale shall be final, without the necessity of preparing or executing any document."

The Court of First Instance of Laguna, after hearing, found that in 1945, after liberation, but before the expiration of the period for redemption the defendant tendered ₱500, Philippine currency to the plaintiffs to redeem the land, but the tender was refused. The defendant then deposited the sum of ₱100, Philippine currency, with the clerk of court of the Court of First Instance of Laguna and tried to deposit the sum of ₱5,000 in Japanese war notes in the same court, for the redemption of the land which had been refused by the plaintiff. Interpreting the paragraph of the deed we have quoted above, the lower court held that the intention of the parties was to redeem the land in an amount equivalent to the value of the ₱5,000 in Japanese military notes. The lower court further found that on the date of the sale on June 24, 1944, the rate of exchange of ₱1, Philippine money with Japanese military notes was one-to-thirty, so that the equivalent of ₱5,000 in Japanese military notes would be ₱150 in Philippine currency, and that, inasmuch as the defendant had made a valid tender of ₱500 Philippine currency, which was refused by the plaintiff, she thereby preserved her right to redeem the land in question. In view thereof, the court held that if the defendant added ₱50 to the ₱100 she had deposited in court to pay the plaintiffs, the latter would be compelled to execute in her favor the corresponding deed of reconveyance.

Upon appeal to the Court of Appeals by the plaintiffs, the latter court found, as did the trial court that the purchase price of ₱5,000 in Japanese war notes was the aggregate of the different loans contracted by the defendant from the plaintiffs since 1943, said total of ₱5,000 having been converted by the parties into the purchase price of the parcel already mentioned. Interpreting the stipulation re-

garding redemption, particularly the phrase "*sa ganito ding halaga*" (at the same price), the Court of Appeals, like the Court of First Instance, held that the intention of the parties was to have the land redeemed in a sum equivalent to the value of the ₱5,000 Japanese military notes, and, by applying the Ballantyne schedule, and, considering the dates of the different loans since 1943, the court of Appeals found that ₱790.26 was the equivalent of the ₱5,000 in Japanese military notes. The Court then held that, upon payment of this amount, the defendant can have the land reconveyed to her. The Court of Appeals, further held that inasmuch as the deed of sale with *pacto de retro* was never registered in the office of the register of deeds, and that the owners duplicate transfer certificate of title covering the parcel was still in the name of Simeona Bautista, mother of defendant Miguela, pursuant to the provisions of the Land Registration Act, what Miguela sold by virtue of the deed of sale with *pacto de retro* was her right and interest, as heir, in the land, and that in case Miguela failed to redeem the parcel, the plaintiffs may file an action or take such steps necessary to have the parcel in question conveyed to her so that she could later convey it to them thru the usual execution of a valid and sufficient instrument of sale. The plaintiffs have brought this case before us on appeal through *certiorari*.

While we accept the findings of fact of the Court of Appeals, we cannot agree to its interpretation of the contract of sale with *pacto de retro* regarding the stipulation on redemption. In our opinion, considering the circumstances surrounding the case, the phrase "*sa ganito ding halaga*" (at the same price), contrary to the interpretation given by the Court of First Instance and by the Court of Appeals, meant the same price of ₱5,000, in the currency prevailing at the time of redemption and not the equivalent in Philippine currency of ₱5,000 in Japanese war notes. So, we may not apply here the Ballantyne schedule as did the Court of Appeals. The trial court held that the contracts of loan relative to the different sums borrowed by the defendant from plaintiffs since December 1943, and totalling ₱5,000 in June 1944, were novated and converted into a contract of sale, but, we cannot help but consider the terms of said different loan agreements, as shown by the receipts evidencing the same, to the effect that the loans were to be paid in the currency then prevailing at the time of repayment. As explained by counsel for petitioners, the plaintiffs wanted to have the repurchase price in the same amount as the sales price and in the prevailing currency, but that, through fear of the Japanese, the parties did not dare express that agreement and intention in detail, specially in view of the warning contained in the proclamation by the Commander in Chief

of the Imperial Japanese Forces, dated January 3, 1942, which provided, among other things, that any attempt to interfere with the circulation of the Japanese war notes such as rejection of payment in said currency, would be punished severely.

Our view of the case is that the parties herein gambled and speculated on the date of the termination of the war and the liberation of the Philippines by America. This can be gleaned from the stipulation about redemption, particularly that portion to the effect that redemption could be effected not before the expiration of one year from June 24, 1944. The plaintiffs, to be sure that the redemption price should be paid in Philippine currency after liberation, must have wanted a relatively long period,—say two or more years, before the land could be redeemed; the defendant, however, must have wanted as short a period as possible so that she could redeem the land during the Japanese occupation and in the same Japanese currency which was fast depreciating. Both parties took chances and ran quite a serious risk. If by July 1945 the Philippines, particularly Laguna, was still under the Japanese rule and occupation, defendant Miguela could redeem the property with Japanese war notes which, considering the steady and fast depreciation of said notes since 1943, shall have been nigh worthless, though still legal tender. If, however, by July 1945, the Philippines shall have been liberated, then the defendant must redeem the land in Philippine currency and in the same amount of ₱5,000.

This kind of agreement is permitted by law. We find nothing immoral or unlawful in it. It may be viewed in the same light as insurance contracts, or sales of grain, sugar or other commodities to be delivered at some future date, whose price is subject to fluctuation, and may, at the time of delivery, be way above or below the sales price.

Recently, this Court decided a similar case on the same principle. (*Roño vs. Gomez*, G. R. No. L-1927). One who borrowed ₱4,000 in Japanese military notes on October 5, 1944, to be paid one year after, in currency then prevailing was ordered to pay said sum after October 5, 1945, that is, after liberation, in Philippine currency. It is true that in that case, there was express stipulation that the loan was to be paid in the currency prevailing at the time of repayment, while in the present case, such stipulation is absent. But it is clear that such agreement is unnecessary and superfluous. In the absence of any agreement to the contrary, it is always understood that all payment of an obligation is to be made in legal tender, namely, Philippine silver peso, half peso and gold coins of the United States. (Section 1612, Rev. Adm. Code.). In fact, one may regard the present case as a

obligor was compelled to discharge an obligation which because of the difference in currency, proved quite burdensome, though all in accordance to law, here the appellee need not pay back the repurchase price if she does not want to.

In view of the foregoing, we find that the redemption should be made at ₱5,000 Philippine currency. Should appellee Tabia fail to exercise her right to repurchase within thirty days from the date this decision becomes final, the plaintiffs may take the necessary steps indicated by the Court of Appeals to have the title to the parcel transferred to them. With this modification, the decision of the Court of Appeals is hereby affirmed, with costs.

Moran, C. J., Ozaeta, Bengzon, Tuason, and Reyes, JJ., concur.

FERIA, J., concurring:

I concur in the result of the decision of the majority, because it is in conformity with one of the following rules (e) that we may lay down for the guidance of practising attorneys and inferior courts.

Unless the parties had agreed otherwise, all obligations incurred during the period of the Japanese invasion or occupation by contracts stipulating for, or executory judgment of the courts ordering, payment of money presumably in Japanese war or military notes, including payment of repurchase price in *pacto de retro* sales, shall be paid or satisfied after the liberation of the Philippines in accordance with the following rules:

(a) An obligation incurred or payable during the occupation shall be revalued on the basis of the relative value of the Japanese military notes in Philippine currency at the date the obligation was payable, according to Ballantyne sliding scale of value in the absence of evidence to the contrary. Because to compel the debtor to pay his obligation in Philippine currency at the rate of one Philippine peso for each peso due in Japanese military notes would be to make him pay, as damages or penalty for the *delay in making the payment*, the difference in value between the Japanese military notes at the time the obligation was incurred and the Philippine currency at the time of the payment.

(b) Had the parties expressly agreed that an obligation shall be paid in Philippine currency, or merely in the currency that is the legal tender at the time it becomes payable, after the liberation, the obligation shall be paid in Philippine currency at par value or the rate of one peso in Philippine currency for one peso in Japanese war notes; because "the contracting parties may establish any pacts, clauses and conditions they may deem advisable, provided they are not contrary to law, morals, or public order." (Article 1255, Civil Code.)

(c) The same rule (b) is applicable had the parties simply agreed that an obligation shall be payable after the liberation of the Philippines; because then the law applicable is section 1612 of the Revised Administrative Code, which provides that "the Philippine silver peso and half peso and gold coins of the United States at the rate of one dollar for two pesos, shall be the legal tender for all debts, public and private, unless otherwise specifically provided by contract."

(d) If the parties had stipulated that the obligation shall be payable within a certain period of time, that is, at any time within that period, and the whole or a part of the period coincides with the Japanese occupation and, therefore, the debtor might have paid his obligation in Japanese war notes during the occupation, the above-stated rule (a) shall be applied; because the debtor had the right to pay his obligation in Japanese war notes at the time it became payable, and his mere failure to pay it would not, as above stated, make him liable to pay, as damages or penalty, the difference between the value of the Japanese war notes at the time the obligation became payable and of the Philippine currency at the date of the payment.

(e) Had the parties stipulated that the debt shall be paid after a certain period of time had elapsed and not earlier, if the period had expired during the Japanese occupation the preceding rule (d), and therefore (a), shall be applied; but if it had elapsed after the liberation of the Philippines the above-stated rule (c), and therefore (b), shall be applicable; because in such case the implied agreement of the parties in accordance with law would be that the obligation shall be paid in legal tender at the time it becomes payable, that is, in Japanese military notes if during the occupation, and in Philippine currency if after the liberation.

PARÁS, J., dissenting:

I dissent on the fundamental grounds set forth in my dissenting opinion in the case of *Roño vs. Gomez*, G. R. No. L-1927, promulgated on May 21, 1949. In addition, I may observe that the latter case, invoked by the majority herein is factually different. In the *Roño vs. Gomez* case, there was an express stipulation in the promissory note that the loan was payable in the currency prevailing at the time of payment and that the debtor waived any post-war arrangement devaluating the Japanese military notes. In the present case, the stipulation is merely to pay the indebtedness "sa ganito ding halaga" and the phrase can only refer to the amount of the same currency in which the loan was granted. Said stipulation cannot mean the currency which is legal tender

at the time of payment. It is true that, under section 1612 of the Revised Administrative Code, the payment of an obligation is to be made in legal tender, namely, Philippine silver peso, half peso or gold coin of the United States, but said provision does not require the payment of an obligation in the same amount of such legal tender, in the absence of express stipulation.

The majority also hold that the contract here in question is aleatory. This is open to doubt. Aleatory contracts, or those depending on chance, are covered by Title XII, Book IV, of the Civil Code. It is to be noted that, under article 1790, an aleatory contract involves the occurrence of an event which is uncertain or will happen at an indeterminate time. Moreover, the contracts contemplated by the code as being aleatory, are grouped under insurance contracts, gambling and betting, and life annuities. It follows that the contract now under consideration, which is one of loan, does not fall under any of those groups of aleatory contracts. At any rate, the contract of loan herein involved is clearly not dependent upon any uncertain event. The loan was granted on a definite date and has to be paid on a definite date. Both dates are certain. The payment of the loan has to be effected regardless of the result of the war.

As the contract in question contemplated that the payment is to be made in the same currency that was loaned, and the parties are presumed never to have intended that said payment would be made in what has become valueless money, justice demands that the indebtedness be paid in actual Philippine currency at an equivalent amount determined in the Ballantyne schedule, in the absence of evidence as to such value. The exceptions mentioned in the Ballantyne schedule refer to contracts in which the obligation is payable by something other than legal tender. Indeed, the majority in *Hilado vs. De la Costa*, G. R. No. L-150, decided on April 30, 1949, held that "what the debtor should pay is the value of the Japanese war notes in relation to the peso of Philippine currency obtaining on the date when and at the place where the obligation was incurred, *unless the parties had agreed otherwise.*" This underscored clause undoubtedly contemplates an agreement to pay in a consideration other than legal tender of the Philippines, such as gold dollars, pounds sterling, Spanish pesetas, or the like. It cannot be otherwise, since if the intention is merely to pay in legal tender, no express stipulation is necessary, because under section 1612 of the Revised Administrative Code, the Philippine currency is the legal tender for all debts.

In reiteration of my stand in the case of *Roño vs. Gomez, supra*, I wish to emphasize that to require the herein respondent to pay the sum of ₱5,000, actual Philip-

pine currency, in return for an indebtedness obtained in Japanese military notes equivalent in actual Philippine currency according to the Ballantyne schedule, to only ₱790.26 as found by the Court of Appeals, is unconscionable.

PERFECTO, J., dissenting:

Although we concurred in the decision in the Roño case, L-1927, we are constrained to dissent from the majority decision in the present case and rather inclined to accept the reasons stated by Mr. Justice Parás in his dissent in the present case. The facts in both cases are substantially different. While in the Roño case it was expressly stipulated that the payment would have to be made in the currency prevailing at the time of payment, in the present case, the Tagalog phrase "sa ganito ding halaga," is used. The stipulation in the Roño case specified a definite currency. The stipulation in the present case sets as standard "actual value" in any currency. We are of opinion that the decision of the Court of Appeals should be affirmed. To compel defendant to pay plaintiffs ₱5,000 for what, without any dispute, has been conclusively found to be worth only ₱790.26, is shocking to the conscience. It is contrary to the tenets of morals and violative of the constitutional guarantee against deprivation of property without due process of law. We cannot find any reason why the amount of more than ₱4,000, the difference in value, should be paid by respondent to petitioners without any legal consideration at all.

Judgment modified.

[No. 48346. August 9, 1949]

DESTILERÍA AYALA Y CÍA., INC., petitioner, *vs.* LIGA NACIONAL OBRERA DE FILIPINAS and THE COURT OF INDUSTRIAL RELATIONS, respondents.

EMPLOYER AND EMPLOYEE; CAUSES FOR DISMISSAL OF EMPLOYEE; MERE SUSPICION OF DANGER OR PREJUDICE INSUFFICIENT.—Mere suspicion or simple apprehension of danger or prejudice is insufficient to justify removal of the employee (39 C. J., pp. 80-81) and to dismiss an innocent employee who has an untarnished record in the company for many years, just because he has identified himself with the movement to obtain concessions from the company in the matter of salaries is to discourage legitimate union activities and frustrate the purpose of our labor laws.

PETITION to review on certiorari an order of the Court of Industrial Relations.

The facts are stated in the opinion of the court.

Manuel V. San Jose for petitioner.

Eulogio R. Lerum for respondents.

REYES, J.:

This is a petition for certiorari filed in 1941 to review an order of the Court of Industrial Relations. The record having been destroyed during the war, the case is now before us on a reconstituted record.

It appears that under date of December 11, 1940, Destilería Ayala y Compañía, Inc., petitioned the Court of Industrial Relations for authority to dismiss its bill-collector, Antonio Valdez, and its cashier, Francisco Serrano, the first for embezzlement and the second for alleged negligence in connection with said embezzlement. At the time, there was pending before that court a dispute between the company and its employees concerning wages, and one of the employees affected by the dispute was the said Francisco Serrano for whom it was requested that his monthly salary, which was reduced in 1934, be restored to its former level. The employees were then represented by the labor union to which they were affiliated, the "Liga Nacional Obrera de Filipinas," one of the present respondents.

After due hearing, the Industrial Court found Francisco Serrano to be "absolutely free from blame" and innocent of the charges imputed to him and, attributing his proposed dismissal to the company's desire to get rid of him because of his union activities in connection with the movement for increase of salaries in the company, denied the petition for authority to dismiss him. It is this decision, as contained in the order of the court of March 13, 1941, that we are asked to review.

It would be idle for us to review the findings of fact of the Industrial Court. This we are not supposed to do both under the Rules of Court and the law creating that body. It would likewise be useless to discuss the petitioner's claim that the Industrial Court erred "when it held that the dismissal of Francisco Serrano would be a violation of section 19 of Act 143 and section 5 of Act 213." It does not appear from the order complained of that the Industrial Court has so held. The only question for determination is whether, with his innocence completely established, Francisco Serrano could still be dismissed by his employer on the ground that the latter had already lost confidence in him.

It is contended that in a case where the relation between employer and employee is essentially one of trust, such as that existing between herein petitioner and its cashier, the employer is not bound to retain the employee after the former has lost confidence in the latter. And it is further urged that for the employer to have the right to dismiss such an employee, it is not necessary that the employer should have suffered injury from the employee's misconduct, it being sufficient that such misconduct might rea-

sonably lead to the employer's injury. The argument thus assumes that the cashier in the present case has been guilty of misconduct. The assumption, however, is contrary to the express finding of the Industrial Court that this employee had not been in any way negligent and was entirely free from blame in connection with the embezzlement committed by the bill-collector. This conclusion is one of fact, and there being evidence to support it, the same cannot be altered by this Court.

Our attention has been directed to the case of *Miller vs. Jones* (178 Iowa, 168) where it was declared that if the employee's "conduct was such as to indicate that his interests were hostile to those of his master, it was the right of the master to discharge him before any injury was in fact done." But it is obvious from this quotation that to give the employer the right to discharge his employee before actual injury has been caused, the employee's conduct should indicate that his interests are hostile to those of his employer. Such, however, is not the case here. Mere suspicion or simple apprehension of danger or prejudice is insufficient to justify removal of the employee (39 C. J., pp. 80-81), and to dismiss an innocent employee, such as the cashier in the present case, who, as found by the Industrial Court, has an untarnished record in the company for many years, just because he has identified himself with the movement to obtain concessions from the company in the matter of salaries, is to discourage legitimate union activities and frustrate the purpose of our labor laws.

The petition for review is, therefore, dismissed and the order appealed from is affirmed with costs against the appellant. So ordered.

Moran, C. J., Ozaeta, Parás, Feria, Perfecto, Bengzon, Padilla, Tuason, and Montemayor, JJ., concur.

Petition dismissed; order affirmed.

[No. L-2062. August 11, 1949]

JESUS B. LOPEZ, petitioner, *vs.* RAFAEL DINGLASAN, LINO GUTIERREZ, GUILLERMO CABRERA, and SHERIFF OF MANILA, respondents.

1. **APPEAL; ORDER REFUSING ISSUANCE OF PRELIMINARY INJUNCTION AS INTERLOCUTORY AND NON-APPEALABLE.**—An order refusing the issuance of a writ of preliminary injunction to restrain the execution of the judgment of an inferior court is an interlocutory or incidental order and is not a proper subject of appeal.

2. **ID.; PARTIES CANNOT STIPULATE TO CONFER JURISDICTION UPON APPELLATE COURT.**—Parties cannot by stipulation confer upon an appellate court jurisdiction to hear and finally decide a case still in the process of trial in the lower court.

ORIGINAL ACTION in the Supreme Court. Mandamus.

The facts are stated in the opinion of the court.

Genaro Tan Torres and Francisco Lavides for petitioner.
Macario S. Calayag for respondents.

TUASON, J.:

These proceedings have been brought against the Honorable Rafael Dinglasan, Judge of the Court of First Instance of Manila, Lino Gutierrez, the Honorable Guillermo Cabrera, Judge of the Municipal Court, and the Sheriff of Manila, to compel Judge Dinglasan to approve an appeal in a case for certiorari pending in his court and to forward the record thereof to this Court. The petitioner also seeks a writ of preliminary injunction to restrain execution of the judgment of respondent Judge Cabrera pending the appeal.

According to the allegations of the petition, in a case for unlawful detainer commenced in the municipal court of Manila, in which respondent Lino Gutierrez was plaintiff and petitioner herein, Jesus B. Lopez, was defendant, the parties submitted the case "for decision on a compromise agreement." Accordingly, Judge Cabrera rendered judgment "in the tenor of the foregoing agreement, enjoining both the plaintiff and the defendant to adhere to and comply (with) all the terms and conditions (thereof), without special pronouncement as to costs." Referring to the effect of that judgment, petitioner says that, "being a judgment by compromise," the same "was non-appealable."

Alleging that some of the terms of the agreement had been violated, plaintiff in the detainer case, Lino Gutierrez, asked for execution of the judgment, and Judge Cabrera granted the motion. Inasmuch as, says Lopez in his petition at bar, "there was no appeal from the decision of Judge Cabrera and there was no other adequate remedy at law, and as the respondent Judge Cabrera refused to cancel and set aside the writ of execution despite motions filed asking for its cancellation, the petitioner had to file, and did file, a petition for certiorari with the respondent Judge of First Instance of Manila, the Honorable Rafael Dinglasan," with a prayer for preliminary injunction. On January 12, 1948, Judge Dinglasan, after hearing both parties on whether a writ of preliminary injunction should issue, denied Lopez's motion, stating that "no sufficient ground exists therefor." From Judge Dinglasan's refusal to enjoin the execution of Judge Cabrera's decision, Lopez, on February 17, 1948, filed a notice of appeal with the request "that under Rule 41, section 17, the original record of this case be forwarded to the Supreme Court, and that a supersedeas bond be

fixed." The appeal was disallowed in an order of February 21, 1948.

It is to compel Judge Dinglasan to approve the appeal that the present application for mandamus was instituted.

Section 2, Rule 41, of the Rules of Court reads:

"No interlocutory or incidental judgment or order shall stay the progress of an action, nor shall it be the subject of appeal until final judgment or order is rendered for one party or the other."

"Interlocutory orders or judgments are not appealable, because, prior to the rendition of the final judgment, they are, at any time, subject to such corrections or amendments as the court may deem proper. This does not mean, however, that they are not appealable at all. Appeal may be taken therefrom but after final judgment is rendered." (I Moran's Rules of Courts, 729, 730, citing Manila Electric Co. vs. Artiaga, 50 Phil., 147, and Olsen & Co. vs. Olsen, 48 Phil., 238, 240.)

There is no doubt, and there is no contention to the contrary, that Judge Dinglasan's refusal to issue a writ of preliminary injunction to restrain the execution of the judgment of the municipal court was an interlocutory or incidental order and is not a proper subject of appeal.

After the oral argument, the parties in a written stipulation submitted the case "for decision on the merits upon the present state of the record, with the same effect as if this case had been brought up to this Court upon appeal from the orders of the respondent Judge Dinglasan as appear alleged in the body of the petition herein, instead of upon the prayer therein for mandamus to forward said appeal to this court." This stipulation was approved.

After a more thorough consideration of the pleadings and the issues, and of the nature of the instant action, we reach the conclusion that the stipulation was out of order, and should not be sanctioned. The stipulation would have this Court decide a case on appeal without a record on appeal and briefs with specification of errors essential to appellate review. What is more anomalous is that there is no judgment to review—no judgment to affirm, reverse or modify. The parties to all intents and purposes would have us act as a Court of First Instance. Parties cannot by stipulation confer upon an appellate court jurisdiction to hear and finally decide a case still in the process of trial in the lower court.

It is true that this Court has original jurisdiction in extraordinary legal remedies concurrent with the Courts of First Instance, but it is no less true that where an action of this kind was actually commenced in one of the latter courts, the Supreme Court can take cognizance of

that particular action only on appeal, after all the steps and processes prescribed in such cases have been complied with.

The petition is dismissed with costs.

Moran, C. J., Ozaeta, Feria, Bengzon, Padilla, Montemayor, and Reyes, JJ., concur.

PARÁS, J., dissenting:

I dissent.

In an ejectment case filed in the Municipal Court of Manila, the following decision was entered:

"The parties to the above-entitled case submitted today a written agreement which reads as follows—

"(a) El demandado pagará al demandante los alquileres que éste reclama de ₱50 por el mes de Diciembre de 1946 y de ₱65 por los meses de Enero, Febrero, Marzo, Abril y Mayo de 1947, y por los meses siguientes por la misma cantidad hasta que el demandado siga ocupando la finca en cuestión.

"(b) El demandante se compromete y se obliga a reparar las goteras que tiene la citada finca así como poner nuevos postes en el baño a cambio de los que necesitan ser cambiados, cuyo costo se estima que sería alrededor de ₱50.

"(c) El demandado podrá ocupar la finca hasta tanto que no encuentre otro donde pueda trasladarse y mientras tanto este caso no llegue, el demandante no podrá pedir el desahucio contra el demandado, a menos que este deje de pagar el alquiler de la finca, según lo convenido.

"(d) El demandante hará las reparaciones mencionadas en el inciso (b) dentro de cinco días después de que el demandado haya pagado los alquileres arriba mencionados, y la falta de cumplimiento de esta su obligación dará derecho al demandado a mandar hacer dichas reparaciones por cuenta del demandante descontando el importe de cualquier alquiler que tenga que pagar al demandante, siempre que dichas reparaciones no pasen de ₱50, en el bien entendido que si el costo de dichas reparaciones excedieren de ₱50, en caso tal, la diferencia de más será por cuenta del demandado, si éste quiere hacerlo.

"Wherefore, judgment is hereby rendered in the tenor of the foregoing agreement, enjoining both the plaintiff and the defendant to adhere to and comply all the terms and conditions, without special pronouncement as to costs. It is so ordered.

For alleged failure of the defendant to pay the stipulated rental, the municipal court, upon petition of the plaintiff, issued a writ of execution directing the ouster of the defendant. The latter thereupon filed in the Court of First Instance of Manila a petition for certiorari with preliminary injunction, with the view to preventing the writ of execution from being carried into effect. The respondent Judge of the Court of First Instance of Manila, while giving due course to the petition for certiorari, denied the prayer for the writ of preliminary injunction. From this order of denial, the defendant proceeded to perfect an appeal. The respondent judge, however, refused to allow the appeal on the ground that the order being complained of is interlocutory. The defendant has

now come to us in a petition for mandamus, to compel respondent judge to certify defendant's appeal.

The majority are in accord with the respondent judge's theory and are decreeing a simple dismissal of the present petition. There can be no doubt that the order in question is interlocutory. But there are cogent reasons for conceding necessary relief to the defendant (petitioner herein).

In my opinion, the decision of the municipal court hereinabove fully quoted merely had the effect of stamping judicial approval (though unnecessary) to the new contract of lease between the petitioner and the herein respondent Lino Gutierrez (plaintiff in the municipal court). The reciprocal rights and obligations of the petitioner and the respondent Lino Gutierrez thereunder are of course as binding as any contractual relations, but they are not enforceable by execution under the decision which has not made any definite and executory adjudications.

Accordingly, I hold that the writ of execution issued by the Municipal Court is not in order; and the respondent judge should have granted plaintiff's prayer for the writ of preliminary injunction. The petition for certiorari filed in the Court of First Instance could have been filed directly in this Court and the same remedy should have been accorded by us. Under these circumstances, we are justified in disregarding technicalities and squarely passing on the irregularity committed by the municipal court. At any rate, under a liberal interpretation, we may consider the present petition as one for certiorari, specially in view of the stipulation of the parties herein to have the basic case decided on the merits. The majority are mistaken in supposing that we shall thereby be, in an appellate jurisdiction, disposing of the case which is only in the process of trial and in the absence even of a decision, because there are sufficient facts on record and the parties have agreed to submit the case thereon.

It cannot be said that there is no decision since the refusal of the respondent judge to issue a writ of preliminary injunction, if not timely counteracted, will result in the ouster of the petitioner and in the conversion of the petition for certiorari pending in the Court of First Instance into an academic suit.

If the majority are unwilling to forget technicalities, they may, as this Court has done in many instances, at least make even a dictum for guidance of all concerned.

PERFECTO, J.:

We concur in this dissent.

Petition dismissed.

[No. L-1367. August 16, 1949]

Intestate Estate of Pablo C. Luce. PIO PORTEA, petitioner and appellant, *vs.* JACINTO PABELLION ET AL., opponents and appellees.

APPEAL; NOTICE OF APPEAL FOR PURE QUESTION OF LAW TO THE SUPREME COURT.—Appeal taken to the Supreme Court for pure question of law, generally excludes the review of questions of facts.

APPEAL from a judgment of the Court of First Instance of Quezon. San Jose, J.

The facts are stated in the opinion of the court.

Pedro Ynsua for appellant.

Reyes & Agcaoili for appellees.

PARÁS, J.:

This is an appeal from a judgment of the Court of First Instance of Quezon holding, upon the death of Pablo Luce, "all his properties were inherited by his legitimate daughter Cristeta Luce who survived him for at least half an hour, she having died about half an hour after" the death of her father.

In the notice filed by the petitioner, it was announced that the appeal was taken from said judgment to the Supreme Court, on the ground that the question involved is one of law; and in the record on appeal filed by him and approved by the trial court, it was prayed that the case be certified and elevated to the Supreme Court, as only a question of law is involved.

Following the decision in *Millar vs. Nadres*, I Off. Gaz., 975, cited in Moran's Comments on the Rules of Court, 2d ed., Vol. I, p. 753, the appellant cannot now raise any question of fact. Even so, the writer of this opinion expresses his adherence to his dissent from the majority decision in the case cited, he being of the conviction that, although the appellant announces his intention to raise merely questions of law and appeal directly to the Supreme Court, this Court is bound to certify the case to the Court of Appeals, where said appellant actually raises questions of fact in his brief. However, in view of the stand of the majority, the author of this opinion has undertaken to examine the factual contention of the appellant, in relation to the evidence on record, with the result that he has come to the conclusion that the appealed judgment is supported by the proof.

The appellant insists that, since there is no proof as to the definite time of the death of Pablo Luce and his daughter Cristeta Luce, the law applicable is section 69, sub-section ii (5), of Rule 123 of the Rules of Court, under which it is presumed that, in the absence of any showing

as to which of two persons (who have perished in the same calamity) died first, the person between the ages of 15 and 60 is presumed to have survived the person under 15 or over 60. In this connection, it is alleged that Pablo Luce was 45 years old, whereas Cristeta Luce was only 13 years of age. In the face of the factual conclusion of the trial court that Pablo Luce died half an hour before Cristeta Luce died, which finding the appellant is now estopped to controvert and which (in the opinion of the writer hereof) is furthermore supported by the evidence, the rule cited by the appellant regarding the disputable presumption of survivorship cannot apply.

The appellant also contends that, even assuming that Cristeta Luce survived her father Pablo Luce, her estate should still be adjudicated to the appellant who is the nephew of Pablo Luce. Reliance is placed on article 925 of the Civil Code providing that the right of representation shall always take place in the direct descending line but never in the ascending, and that in the collateral line it shall take place only in favor of the children of brothers and sisters, whether they may be of the whole or half blood. It is intimated that because the oppositors-appellees are not in the direct descending line, but are only maternal grandparents of Cristeta Luce, they cannot inherit by representation. Aside from the fact that the trial court correctly withheld any adjudication as to the estate of Cristeta Luce, because it is not included in the intestate proceedings instituted by the petitioner-appellant, said oppositors-appellees are claiming inheritance from their grandchild Cristeta Luce in their own right as ascendants, and not merely by right of representation, it appearing that the said Cristeta Luce did not leave any legitimate children or descendants. (Arts. 935 and 937, Civil Code.)

Wherefore, the appealed judgment is affirmed with costs against the appellant. So ordered.

Moran, C. J., Ozaeta, Feria, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

PADILLA, J.:

I concur in the result.

Judgment affirmed.

[No. L-1892. August 16, 1949]

JACINTO NOTOR, petitioner, vs. RAMON MARTINEZ, as guardian of the incompetent, Pedro Martinez, and THE COURT OF APPEALS, respondents.

1. PLEADING AND PRACTICE; QUESTION OF VALIDITY OF CONSIGNATION; WAIVER BY ADMISSION AND STIPULATION.—The absence of allegation in the complaint with respect to notice of consignation as required by article 1177 of the Civil Code, may be waived by admission and specific stipulation for a distinct issue.

2. PROMISSORY NOTE; PAYMENT; RIGHT OF RENEWAL BY CREDITOR DOES NOT AFFECT DEBTOR'S RIGHT TO PAY WITHIN THE TERMS STIPULATED.—The mere fact that a contract contains a clause to the effect that it is renewable at the discretion of the creditor, such pact will not inhibit the debtor to pay his obligation according to the terms of his promissory note.
3. OBLIGATIONS AND CONTRACTS; PAYMENTS MADE DURING JAPANESE OCCUPATION; JURISDICTION OF COURTS AFTER LIBERATION TO TAKE COGNIZANCE OF.—The judicial acts and proceedings of the courts of justice during the Japanese military occupation as well as payments of obligations during such period which are not of a political complexion, were good and valid and, by virtue of the principle of postliminy in international law, remained good and valid after the liberation of the Philippines.

PETITION for review on certiorari a decision of the Court of Appeals.

The facts are stated in the opinion of the court.

Calanog & Alafriz and *Jose A. Buendia* for petitioner.
No appearance for respondents.

PARÁS, J.:

On February 28, 1943, Pio Martinez, as guardian of Pedro Martinez, executed a promissory note for ₱2,000 in favor of Jacinto Notor, with interest at 10 per cent annually, and payable within two years from said date. In a mortgage executed on March 28, 1943, covering said note, it was further provided that the contract was "renewable at the discretion of the mortgagee," and that the mortgagor promised to pay the sum specified in the note "according to the terms thereof". Due to additional sums subsequently obtained from Jacinto Notor, plus interest, the total indebtedness amounted as of January 29, 1945, to ₱10,111.

Some time prior to this date, the guardian of Pedro Martinez offered to pay the debt, but the creditor Jacinto Notor refused to accept the payment, as a result of which the present action was instituted by the guardian of Pedro Martinez in the Court of First Instance of Batangas, wherein, the necessary amount was deposited. In the complaint (filed before the liberation of the Philippines), it was prayed that the debtor be declared as having fully paid his indebtedness to Jacinto Notor. After trial, the lower court, on August 18, 1945, (already after liberation) rendered judgment declaring that the plaintiff, Ramon Martinez, as guardian of Pedro Martinez, had paid in full his indebtedness to the defendant, Jacinto Notor, from the time he consigned the amount thereof by depositing it with the clerk of court of First Instance of Batangas. From this judgment, Jacinto Notor appealed to the Court of Appeals which, on November 25, 1947, rendered a decision affirming the judgment of the court of origin. From the latter decision, Jacinto Notor (the petitioner) has come to this court in an appeal by way of certiorari. He alleges

that the Court of Appeals erred in holding (1) that there was a valid consignation; (2) that the respondent debtor can pay off the mortgage within two years although the parties agreed "that this contract is renewable at the discretion of the mortgagee"; and (3) that the courts of the Commonwealth and their successors, the courts of the Philippine Republic, have jurisdiction over the case.

It appearing from the stipulation of the parties that the defendant Jacinto Notor "admits the allegations contained in the complaint in sub-paragraphs 1, 3, 4, 5, and 6 and that "the only question to be raised in the complaint is whether according to the contract Exhibit A, the defendant-mortgagee has the right to renew or not the mortgage contract at his discretion, as embodied in paragraph 2 of Exhibit A," the herein petitioner cannot now allege that there was no valid consignation. It is true that there is no allegation in paragraphs 5 and 6 of the complaint to the effect that there was notice of consignation, as required by article 1177 of the Civil Code, but the absence of such allegation is cured by the positive stipulation that the only question to be raised is whether the creditor has the right to renew the mortgage contract at his discretion. The first assignment of error is therefore without merit.

It is the view of the herein petitioner that he has the absolute right to renew the term of the promissory note and accordingly refuse to accept payment from the debtor. It is noteworthy that the note is payable within two years from February 28, 1943, and that the clause providing that the contract is renewable at the discretion of the creditor, contains the condition that the debtor promises to pay according to the terms of the promissory note. Since at the time (prior to January 29, 1945) the promissory note in question was undeniably in force, the debtor had the right thereunder to pay within two years from February 28, 1943. The pact allowing payment within two years will be meaningless, if the theory of the herein petitioner were correct. At any rate, it is futile to speak of any renewal before the note had even matured and unless the debtor was unable to pay within the original term of two years. The second assignment of error is also untenable.

There can be no doubt as to the jurisdiction of the courts of the Commonwealth and of the Republic. In the case of *Ko Kim Chan vs. Valdez Tan Keh*, 41 Off. Gaz., 779, we have held that the judicial acts and proceedings of the courts of justice during the Japanese military occupation which are not of a political complexion, were good and valid and, by virtue of the principle of postliminy in international law, remained good and valid after the liberation of the Philippines. The litigation between the parties herein is certainly not of a political complexion, since it

whether the currency in dispute was Japanese military notes. At any rate, the tender of payment was made during the Japanese military occupation when said military notes were legal tender. Under the rules of Public International Law, the right of the military occupant, in the exercise of his governmental power, to issue military currency as legal tender has never been seriously questioned. (*Haw Pia vs. China Banking Corporation*, 45 Off. Gaz. (Supp. to No. 9), 229; *Philippine Trust Company vs. Araneta*, G. R. No. L-2734, March 17, 1949.) In the case of *Haw Pia vs. China Banking Corporation*, *supra*, we have already recognized the validity of a payment of a mortgage indebtedness in Japanese military notes. This has to be so, because "the law made by the occupant within his admitted power, whether morally justifiable or not will bind any member of the occupied population as against any other member of it, * * * as far as it produces an effect during the occupation." (*Hilado vs. De la Costa and Philippine National Bank*, G. R. No. L-150, April 30, 1949.) In the case at bar we are not authorizing the circulation of Japanese military notes, as legal tender at present, but we are merely giving effect to a payment that was valid and binding at the time it was made. The third assignment of error is likewise without merit.

Wherefore, the appealed decision of the Court of Appeals is affirmed with costs against the herein petitioner. So ordered.

Moran, C. J., Ozaeta, Feria Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

Judgment affirmed.

[No. L-1956. August 16, 1949]

LETICIA H. CALDERA and MANUEL CALDERA, plaintiffs and appellees, *vs.* EUSEBIO BALCUEBA and ELISEO CLEDERA, defendants and appellants.

APPEAL; APPEAL FROM AN ORDER DISMISSING A COUNTERCLAIM IS PREMATURE.—An appeal from an order dismissing a counter-claim which is related to, and an incident of the cause of plaintiff's complaint is considered premature.

APPEAL from an order of the Court of First Instance of Camarines Sur. Palacio, J.

The facts are stated in the opinion of the court.

Valer & Vilgera for appellants.

Reyes & Dy-Liacco for appellees.

PARÁS, J.:

On June 14, 1944, the plaintiffs executed a deed of sale with *pacto de retro* in favor of the defendants. The consideration was ₱15,000 and the term was three years.

On August 11, 1944, as further security for the payment of the amount of the repurchase price, the plaintiffs executed a mortgage on another lot in favor of the defendants.

On February 28, 1945, the plaintiffs filed an action in the Court of First Instance of Camarines Sur alleging that they had previously offered payment of the repurchase price to the defendants who, however, refused to accept, and that they were accordingly consigning the amount of ₱15,000. The complaint prayed that the defendants be sentenced to accept payment and to release the plaintiffs from the effects of their obligation to the defendants. In the reamended answer of the defendants dated November 19, 1946, in conjunction with their motion filed on July 31, 1947, and the order of the Court of First Instance of Camarines Sur of August 5, 1947, the defendants interposed a counterclaim for the foreclosure of the mortgage for ₱15,000 executed by the plaintiffs. Upon petition of the plaintiffs, the Court of First Instance of Camarines Sur issued an order on September 16, 1947, dismissing the defendant's counterclaim on the ground that it is barred by the debt moratorium (Executive Order No. 32). From this order the defendants have appealed, advancing the sole argument that the Executive Order is unconstitutional.

The appeal is premature. The mortgage sued upon in the counterclaim is related to and an incident of the sale with *pacto de retro* which is in turn the basis of plaintiffs' complaint. In L-2968, *Quimosing vs. Javien*, (resolution of July 19, 1949), we have dismissed an appeal from an order dismissing a counterclaim on the ground that said appeal is premature.

In this connection, we are constrained to express our surprise at the action of the plaintiffs in setting up the defense of moratorium, since in their complaint they have offered to pay the sum of ₱15,000, the repurchase price under the sale with *pacto de retro*; and this is the same ₱15,000 being secured by the mortgage invoked by the defendants in their counterclaim.

The appeal will therefore be as the same is hereby disallowed, with costs against the defendants. So ordered.

Moran, C. J., Ozaeta, Feria, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Appeal disallowed.

[No. L-3025. August 16, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
ILDEFONSO DE CASTRO, Jr., defendant and appellant

CRIMINAL PROCEDURE, RULES OF; TRIAL; VOLUNTARY NEGLECT AND

FAILURE OF ACCUSED TO OFFER EVIDENCE AND PROPER DEFENSE.—

When an accused has had his day in court, but he never asked the trial court to hear any witness in his behalf, —

APPEAL from a judgment of the Court of First Instance of Sorsogon. De Venecia, J.

The facts are stated in the opinion of the court.

Santiago F. Alidio for appellant.

Assistant Solicitor General Ruperto Kapunan, Jr. and *Solicitor Federico V. Sian* for appellee.

OZAETA, J.:

On or about December 26, 1945, appellant was caught in possession of a Japanese pistol, which he "used to threaten the person of Sophie Genova." On January 7, 1946, the chief of police of Magallanes, Sorsogon, filed a complaint against him in the justice of the peace court of said municipality for illegal possession of a firearm. At the preliminary investigation the accused appeared, accompanied by his father who was an ex-justice of the peace, and pleaded not guilty. After the prosecution had presented two witnesses and Exhibit A and had rested its case, the accused renounced his right to present proofs. Finding the existence of a probable cause, the justice of the peace remanded the case to the Court of First Instance for trial on the merits.

The assistant provincial fiscal filed an information in the Court of First Instance on March 12, 1946, charging the accused with illegal possession of a revolver with three rounds of ammunition. After various postponements granted by the court at the instance of the accused, the case was called for trial on December 22, 1947. On that date the accused and his attorneys presented a written plea which reads as follows:

"PLEA TO THE INFORMATION

"Come now the accused and his undersigned attorneys and respectfully enter the following plea in the above-entitled case:

"That the accused admits the allegations in the information but invokes the provisions of Proclamation No. 1 of the President of the Philippines, dated July 20, 1946, as exempting him from criminal liability.

"Sorsogon, Sorsogon, December 22, 1947.

"(Sgd.) ILDEFONSO DE CASTRO, Jr.

"Accused"

"(Sgd.) HUGO D. DADO

"(Sgd.) FELICIANO S. GONZALES

*"Attorneys for the Accused
Sorsogon, Sorsogon"*

When the case was called the attorneys for the accused submitted the foregoing plea to the court. Notwithstanding that plea the court ordered that the information be read to the accused. The attorneys for the accused renounced the reading of the information, saying that the accused considered himself duly informed thereof. Notwithstanding that waiver the court insisted and ordered that the information be read to the accused in open court,

understood the information which had just been read to him, and the accused answered in the affirmative. The court then asked him whether he pleaded guilty or not guilty. Thereupon Attorney Gonzales addressed the court as follows:

"Mr. GONZALES: At this stage, we are entering the written plea of the accused.

"JUZGADO: Hágase constar que el acusado ha manifestado al Juzgado que acaba de someter su contestación a la querella y reitera y confirma las alegaciones contenidas en dicha contestación.

"JUZGADO: Quieren ustedes decir que el *plea* que acaban ustedes de someter es la contestación del acusado a la querella?

"Sr. GONZALES: Sí, señor. Pedimos un plazo de 10 días desde esta fecha para someter un memorándum por escrito.

"JUZGADO: Se concede a la defensa y al Fiscal Provincial un plazo de 10 días a contar desde este día para someter sus informes respectivos."

Thus the only issue submitted to the trial court was whether or not Proclamation No. 1 of the President of the Philippines, dated July 20, 1946, and issued pursuant to Republic Act No. 4, exempted or relieved the accused from any criminal liability upon the facts alleged in the information and admitted by the accused in open court.

Upon the memoranda filed by both parties, his Honor Judge Jose R. de Venecia found that Proclamation No. 1 invoked by the accused was not applicable to the instant case. It appears that Republic Act No. 4, which was approved and took effect on July 19, 1946, amended section 2692 of the Revised Administrative Code, as amended by Commonwealth Act No. 56, by increasing the penalty for illegal possession of firearms. Section 2 of said Act provides that "the provisions of the foregoing section to the contrary notwithstanding, any person in possession of any of the prohibited articles therein mentioned, may, without incurring any criminal liability, surrender the same to such officer and within such period of time as the President shall by proclamation designate and fix immediately upon the approval of this Act: *Provided, however,* That this section shall not be interpreted to mean as in any way exempting from such liability any person, without the requisite license, found, within the aforementioned period of time, making use of any of said articles, except in self-defense, or carrying them on his person except for the purpose of surrendering them as herein required: *Provided, further,* That this section shall not in any way affect any case pending in court, on the date of the passage of this Act, for violation of section twenty-six hundred and ninety-two of the Revised Administrative Code." Proclamation No. 1 fixed the period within which any person in possession of firearms might, without incurring any criminal liability, "surrender the same to the Secretary of the Interior or to the governor of the province or the mayor of the place wherein he

resides or to any officer of the Military Police Command of the Philippine Army," namely, not later than August 31, 1946, in the provinces of Luzon. Since the present case was already pending in court when Republic Act No. 4 was approved and Proclamation No. 1 was issued, the trial court held that under the last proviso hereinabove quoted the accused was not exempted from criminal liability. Consequently the trial court found the accused guilty beyond reasonable doubt of a violation of section 2692 of the Revised Administrative Code, as amended by Commonwealth Act No. 56, and sentenced him to suffer one month of imprisonment, to pay a fine of ₱200 with subsidiary imprisonment in case of insolvency, and to pay the costs.

The decision of the trial court was dated January 12, 1948. Various postponements of the reading of that sentence were granted by the court upon petition of the accused. It was finally read to him on May 26, 1948. Immediately after the reading of the sentence the accused presented a notice of appeal.

In this appeal a new counsel for the appellant abandons the defense of exemption from criminal liability under Proclamation No. 1 and contends that the trial court should have ordered a plea of not guilty to be entered for the appellant and should have ordered the prosecution to present its evidence.

It seems to us that to countenance such tactics would be to allow the accused to trifle with the court. By his written plea, which he orally reiterated in open court, the accused admitted (factually and not hypothetically) the allegations of the information, thus relieving the prosecution from the necessity of proving them. The only issue he submitted to the court for decision and for which he asked for ten days within which to present a memorandum, was whether or not Proclamation No. 1, issued pursuant to Republic Act No. 4, exempted him from criminal liability. That issue was decided adversely to him, and after more than four months of delay in the promulgation of the decision caused by his repeated requests for postponement, the appellant did not even move for a new trial on the ground that he had made a mistake in admitting the allegations of the information and that he had a valid defense to offer.

The appellant further contends that his written plea should have been treated by the trial court as a motion to quash under section 2 (f) of Rule 113, which says that the defendant may move to quash the complaint or information on the ground that the criminal action or liability has been extinguished. This contention is patently an after-thought which merits no serious consideration. If the accused had any defense other than his mistaken reliance on Proclamation No. 1, he should really have pre-

sented to the trial court a motion to quash so that in case it should be denied he could avail himself of such other defense. But he did not do that. Instead, he admitted the allegations of the information outright and submitted the case for decision on the merits upon the question of law raised by his plea of confession and avoidance, which in effect was a plea of not guilty. If by that plea the accused had intended to present a motion to quash (which he did not), he would and should have protested to the trial court against the sentence of conviction and should have moved that court to set it aside and hear the evidence. Instead of doing that, he caused the promulgation of the sentence to be postponed for more than four months and, after hearing it, immediately appealed therefrom. He never asked the trial court to hear any witness in his behalf, nor did he offer any proof whatsoever. He has had his day in court. He cannot complain.

Appellant prays this court to reverse the decision appealed from and to acquit him, "or else to grant him a new trial." Neither of these alternative prayers has any legal or factual basis.

The judgment is affirmed, with costs.

Moran, C. J., Feria, Bengzon, Padilla, Tuason, and Montemayor, JJ., concur.

Reyes, J., concurs in the result.

PARÁS, J., dissenting:

I am of the opinion that the "Plea to the Information," quoted in full in the majority opinion, should have been considered by the trial court either as a motion to quash (demurrer before) or as a conditional plea of guilty. If considered as a motion to quash, it was the duty of the trial court to accordingly pass upon it. If denied, the accused should have been required to plead. If considered as a plea, the trial court should have ordered its substitution by a plea of not guilty, since said plea contains a statement which if true would preclude a finding of guilt of the offense charged (*Moran, Comments on the Rules of Court*, 2d ed., Vol. II, pp. 684-685, citing *U. S. vs. Edpalina*, 27 Phil., 43), in which case the lower court was bound, after substituting a plea of not guilty, to proceed with the trial. It is clear that, under the plea here in question, the accused had not contemplated to admit his guilt of the offense charged in the information, and this is obvious from the fact that said accused claimed to be *exempt from criminal liability* in view of the provisions of proclamation No. 1 of the President of the Philippines, dated July 20, 1946. It is immaterial whether the accused raised a question of law. The important thing is that, in virtue of that defense, he cannot be convicted of the very offense for which exemption is claimed.

The fact that various postponements of the reading of the sentence were asked by the accused is also of no moment, since said postponements cannot amount to a waiver of his right to a trial, as prescribed by law.

My vote, therefore, is to remand the case to the lower court for a new trial, the accused being considered as having entered a plea of not guilty.

Judgment affirmed.

[No. L-1648. August 17, 1949]

PEDRO SYQUIA, GONZALO SYQUIA, and LEOPOLDO SYQUIA, petitioners, *vs.* NATIVIDAD ALMEDA LOPEZ, Judge of Municipal Court of Manila, CONRADO V. SANCHEZ, Judge of Court of First Instance of Manila, GEORGE F. MOORE ET AL., respondents.

1. COURTS; JURISDICTION; CLAIM OF TITLE AND POSSESSION OF PROPERTY BY PRIVATE CITIZEN; AGAINST OFFICERS AND AGENTS OF THE GOVERNMENT.—A private citizen claiming title and right of possession of a certain property may, to recover possession of said property, sue as individuals, officers and agents of the Government who are said to be illegally withholding the same from him, though in doing so, said officers and agents claim that they are acting for the Government, and the courts may entertain such a suit although the Government itself is not included as a party-defendant.
2. ID.; ID.; ID.; IF JUDGMENT WILL INVOLVE FINANCIAL LIABILITY OF GOVERNMENT, SUIT CANNOT PROSPER OR BE ENTERTAINED EXCEPT WITH GOVERNMENT'S CONSENT.—But where the judgment in the suit by the private citizen against the officers and agents of the government would result not only in the recovery of possession of property in favor of said citizen but also in a charge against or financial liability to the Government, then the suit should be regarded as one against the Government itself, and, consequently, it cannot prosper or be entertained by courts except with the consent of said government.
3. ID.; ID.; SUIT BY CITIZEN AGAINST FOREIGN GOVERNMENT WITHOUT LATER'S CONSENT; COURTS LACK OF JURISDICTION.—This is not only a case of a citizen filing a suit against his own Government without the latter's consent but it is of citizen filing an action against a foreign government without said government's consent, which renders more obvious the lack of jurisdiction of the courts of his country.

ORIGINAL ACTION in the Supreme Court. Mandamus.

The facts are stated in the opinion of the court.

Gibbs, Gibbs, Chuidian & Quasha for petitioners.

J. A. Wolfson for respondent.

MONTEMAYOR, J.:

For the purposes of this decision, the following facts gathered from and based on the pleadings, may be stated. The plaintiffs named Pedro, Gonzalo, and Leopoldo, all surnamed Syquia, are the undivided joint owners of three apartment buildings situated in the City of Manila known

as the North Syquia Apartments, South Syquia Apartments and Michel Apartments located at 1181 M. H. del Pilar, 1151 M. H. del Pilar and 1188 A. Mabini Streets, respectively.

About the middle of the year 1945, said plaintiffs executed three lease contracts, one for each of the three apartments, in favor of the United States of America at a monthly rental of ₱1,775 for the North Syquia Apartments, ₱1,890 for the South Syquia Apartments, and ₱3,335 for the Michel Apartments. The term or period for the three leases was to be "for the duration of the war and six months thereafter, unless sooner terminated by the United States of America." The apartment buildings were used for billeting and quartering officers of the U. S. armed forces stationed in the Manila area.

In March, 1947, when these court proceedings were commenced, George F. Moore was the Commanding General, United States Army, Philippine Ryukus Command, Manila, and as Commanding General of the U. S. Army in the Manila Theatre, was said to control the occupancy of the said apartment houses and had authority in the name of the United States Government to assign officers of the U. S. Army to said apartments or to order said officers to vacate the same. Erland A. Tillman was the Chief, Real Estate Division, Office of the District Engineers, U. S. Army, Manila, who, under the command of defendant Moore was in direct charge and control of the lease and occupancy of said three apartment buildings. Defendant Moore and Tillman themselves did not occupy any part of the premises in question.

Under the theory that said leases terminated six months after September 2, 1945, when Japan surrendered, plaintiffs sometime in March, 1946, approached the predecessors in office of defendants Moore and Tillman and requested the return of the apartment buildings to them, but they were advised that the U. S. Army wanted to continue occupying the premises. On May 11, 1946, said plaintiffs requested the predecessors in office of Moore and Tillman to renegotiate said leases, execute lease contracts for a period of three years and to pay a reasonable rental higher than those payable under the old contracts. The predecessor in office of Moore in a letter dated June 6, 1946, refused to execute new leases but advised that "it is contemplated that the United States Army will vacate subject properties prior to 1 February 1947." Not being in conformity with the continuance of the old leases because of the alleged comparatively low rentals being paid thereunder, plaintiffs formally requested Tillman to cancel said three leases and to release the apartment buildings on June 28, 1946. Tillman refused to comply with the request. Because of the alleged representation and assurance that the U. S. Government would vacate the premises before February 1, 1947,

the plaintiffs took no further steps to secure possession of the buildings and accepted the monthly rentals tendered by the predecessors in office of Moore and Tillman on the basis of a month to month lease subject to cancellation upon thirty days notice. Because of the failure to comply with the alleged representation and assurance that the three apartment buildings will be vacated prior to February 1, 1947, plaintiffs on February 17, 1947, served formal notice upon defendants Moore and Tillman and 64 other army officers or members of the United States Armed Forces who were then occupying apartments in said three buildings, demanding (a) cancellation of said leases; (b) increase in rentals to ₱300 per month per apartment effective thirty days from notice; (c) execution of new leases for the three or any one or two of the said apartment buildings for a definite term, otherwise, (d) release of said apartment buildings within thirty days of said notice in the event of the failure to comply with the foregoing demands. The thirty day period having expired without any of the defendants having complied with plaintiffs' demands, the plaintiffs commenced the present action in the Municipal Court of Manila in the form of an action for unlawful detainer (desahucio) against Moore and Tillman and the 64 persons occupying apartments in the three buildings for the purpose of having them vacate the apartments, each occupant to pay ₱300 a month for his particular apartment from January 1, 1947 until each of said particular defendant had vacated said apartment; to permit plaintiffs access to said apartment buildings for the purpose of appraising the damages sustained as the result of the occupancy by defendants; that defendants be ordered to pay plaintiffs whatever damages may have been actually caused on said property; and that in the event said occupants are unable to pay said ₱300 a month and/or the damages sustained by said property, the defendants Moore and Tillman jointly and severally be made to pay said monthly rentals of ₱300 per month per apartment from January 1, 1947 to March 19, 1947, inclusive, and/or the damages sustained by said apartments, and that defendants Moore and Tillman be permanently enjoined against ordering any additional parties in the future from entering and occupying said premises.

Acting upon a motion to dismiss filed through the Special Assistant of the Judge Advocate, Philippine Ryukus Command on the ground that the court had no jurisdiction over the defendants and over the subject matter of the action, because the real party in interest was the U. S. Government and not the individual defendants named in the complaint, and that the complaint did not state a cause of action, the municipal court of Manila in an order dated April 29, 1947, found that the war between the United States of America and her allies on one side and Germany and

Japan on the other, had not yet terminated and, consequently, the period or term of the three leases had not yet expired; that under the well settled rule of International Law, a foreign government like the United States Government cannot be sued in the courts of another state without its consent; that it was clear from the allegations of the complaint that although the United States of America has not been named therein as defendant, it is nevertheless the real defendant in this case, as the parties named as defendants are officers of the United States Army and were occupying the buildings in question as such and pursuant to orders received from that Government. The municipal court dismissed the action with costs against the plaintiffs with the suggestion or opinion that a citizen of the Philippines, who feels aggrieved by the acts of the Government of a foreign country has the right to demand that the Philippine Government study his claim and if found meritorious, take such diplomatic steps as may be necessary for the vindication of the rights of that citizen, and that the matter included or involved in the action should be a proper subject matter of representations between the Government of the United States of America and the Philippines. Not being satisfied with the order, plaintiffs appealed to the Court of First Instance of Manila, where the motion to dismiss was renewed.

The Court of First Instance of Manila in an order dated July 12, 1947, affirmed the order of the municipal court dismissing plaintiffs' complaint. It conceded that under the doctrine laid down in the case of *U. S. vs. Lee*, 106 U. S., 196 and affirmed in the case of *Tindal vs. Wesley*, 167 U. S., 204, ordinarily, courts have jurisdiction over cases where private parties sue to recover possession of property being held by officers or agents acting in the name of the U. S. Government even though no suit can be brought against the Government itself, but inasmuch as the plaintiffs in the present case are bringing this action against officers and agents of the U. S. Government not only to recover the possession of the three apartment houses supposedly being held illegally by them in the name of their government, but also to collect back rents, not only at the rate agreed upon in the lease contracts entered into by the United States of America but in excess of said rate, to say nothing of the damages claimed, as a result of which, a judgment in these proceedings may become a charge against the U. S. Treasury, then under the rule laid down in the case of *Land vs. Dollar*, 91 Law. ed., 1209, the present suit must be regarded as one against the United States Government itself, which cannot be sued without its consent, specially by citizens of another country.

The plaintiffs as petitioners have brought this case before us on a petition for a writ of mandamus seeking to order the Municipal Court of Manila to take jurisdiction over the

case. On October 30, 1947, counsel for respondents Almeda Lopez, Sanchez, Moore and Tillman filed a motion to dismiss on several grounds. The case was orally argued on November 26, 1947. On March 4, 1948, petitioners filed a petition which, among other things, informed this Court that the North Syquia Apartments, the South Syquia Apartments and Michel Apartments would be vacated by their occupants on February 29, March 31, and May 31, 1948, respectively. As a matter of fact, said apartments were actually vacated on the dates already mentioned and were received by the plaintiffs-owners.

On the basis of this petition and because of the return of the three apartment houses to the owners, counsel for respondents Almeda Lopez, Sanchez, Moore and Tillman filed a petition to dismiss the present case on the ground that it is moot. Counsel for the petitioners answering the motion, claimed that the plaintiffs and petitioners accepted possession of the three apartment houses, reserving all of their rights against respondents including the right to collect rents and damages; that they have not been paid rents since January 1, 1947; that respondents admitted that there is a total of ₱109,895 in rentals due and owing to petitioners; that should this case be now dismissed, the petitioners will be unable to enforce collection; that the question of law involved in this case may again come up before the courts when conflicts arise between Filipino civilian property owners and the U. S. Army authorities concerning contracts entered into in the Philippines between said Filipinos and the U. S. Government. Consequently, this Court, according to the petitioners, far from dismissing the case, should decide it, particularly the question of jurisdiction.

On June 18, 1949, through a "petition to amend complaint" counsel for the petitioners informed this court that petitioners had already received from the U. S. Army Forces in the Western Pacific the sum of ₱109,895 as rentals for the three apartments, but with the reservation that said acceptance should not be construed as jeopardizing the rights of the petitioners in the case now pending in the courts of the Philippines or their rights against the U. S. Government with respect to the three apartment houses. In view of this last petition, counsel for respondents alleging that both respondents Moore and Tillman had long left the Islands for other Army assignments, and now that both the possession of the three apartments in question as well as the rentals for their occupation have already been received by the petitioner renew their motion for dismissal on the ground that this case has now become moot.

The main purpose of the original action in the municipal court was to recover the possession of the three apartment houses in question. The recovery of rentals as

submitted by the very counsel for the petitioners was merely incidental to the main action. Because the prime purpose of the action had been achieved, namely, the recovery of the possession of the premises, apart from the fact that the rentals amounting to ₱109,895 had been paid to the petitioners and accepted by them though under reservations, this Court may now well dismiss the present proceedings on the ground that the questions involved therein have become academic and moot. Counsel for the petitioners however, insists that a decision be rendered on the merits, particularly on the question of jurisdiction of the municipal court over the original action, not only for the satisfaction of the parties involved but also to serve as a guide in future cases involving cases of similar nature such as contracts of lease entered into between the Government of the United States of America on one side and Filipino citizens on the other regarding properties of the latter. We accept the suggestion of petitioners and shall proceed to discuss the facts and law involved and rule upon them.

We shall concede as correctly did the Court of First Instance, that following the doctrine laid down in the cases of *U. S. vs. Lee* and *U. S. vs. Tindal*, *supra*, a private citizen claiming title and right of possession of a certain property may, to recover possession of said property, sue as individuals, officers and agents of the Government who are said to be illegally withholding the same from him, though in doing so, said officers and agents claim that they are acting for the Government, and the courts may entertain such a suit altho the Government itself is not included as a party-defendant. Of course, the Government is not bound or concluded by the decision. The philosophy of this ruling is that unless the courts are permitted to take cognizance and to assume jurisdiction over such a case, a private citizen would be helpless and without redress and protection of his rights which may have been invaded by the officers of the government professing to act in its name. In such a case the officials or agents asserting rightful possession must prove and justify their claim before the courts, when it is made to appear in the suit against them that the title and right of possession is in the private citizen. However, and this is important, where the judgment in such a case would result not only in the recovery of possession of the property in favor of said citizen but also in a charge against or financial liability to the Government, then the suit should be regarded as one against the government itself, and, consequently, it cannot prosper or be validly entertained by the courts except with the consent of said Government. (*See case of Land vs. Dollar*, 91 Law. ed., 1209.)

From a careful study of this case, considering the facts involved therein as well as those of public knowledge of

which we take judicial cognizance, we are convinced that the real party in interest as defendant in the original case is the United States of America. The lessee in each of the three lease agreements was the United States of America and the lease agreements themselves were executed in her name by her officials acting as her agents. The consideration or rentals was always paid by the U. S. Government. The original action in the municipal court was brought on the basis of these three lease contracts and it is obvious in the opinion of this court that any back rentals or increased rentals will have to be paid by the U. S. Government not only because as already stated, the contracts of lease were entered into by such Government but also because the premises were used by officers of her armed forces during the war and immediately after the termination of hostilities.

We cannot see how the defendants and respondents Moore and Tillman could be held individually responsible for the payment of rentals or damages in relation to the occupancy of the apartment houses in question. Both of these army officials had no intervention whatsoever in the execution of the lease agreements nor in the initial occupancy of the premises both of which were effected thru the intervention of and at the instance of their predecessors in office. The original request made by the petitioners for the return of the apartment buildings after the supposed termination of the leases, was made to, and denied not by Moore and Tillman but by their predecessors in office. The notice and decision that the U. S. Army wanted and in fact continued to occupy the premises was made not by Moore and Tillman but by their predecessors in office. The refusal to renegotiate the leases as requested by the petitioners was made not by Moore but by his predecessors in office according to the very complaint filed in the municipal court. The assurance that the U. S. Army will vacate the premises prior to February 29, 1947, was also made by the predecessors in office of Moore.

As to the defendant Tillman, according to the complaint he was Chief, Real Estate Division, Office of the District Engineer, U. S. Army, and was in direct charge and control of the leases and occupancy of the apartment buildings, but he was under the command of defendant Moore, his superior officer. We cannot see how said defendant Tillman in assigning new officers to occupy apartments in the three buildings, in obedience to order or direction from his superior, defendant Moore, could be held personally liable for the payment of rentals or increase thereof, or damages said to have been suffered by the plaintiffs.

With respect to defendant General Moore, when he assumed his command in Manila, these lease agreements had already been negotiated and executed and were in actual operation. The three apartment buildings were occupied

by army officers assigned thereto by his predecessors in office. All that he must have done was to assign or billet incoming army officers to apartments as they were vacated by outgoing officers due to changes in station. He found these apartment buildings occupied by his government and devoted to the use and occupancy of army officers stationed in Manila under his command, and he had reason to believe that he could continue holding and using the premises theretofore assigned for that purpose and under contracts previously entered into by his government, as long as and until orders to the contrary were received by him. It is even to be presumed that when demand was made by the plaintiffs for the payment of increased rentals or for vacating the three apartment buildings, defendant Moore, not a lawyer by profession but a soldier, must have consulted and sought the advise of his legal department, and that his action in declining to pay the increased rentals or to eject all his army officers from the three buildings must have been in pursuance to the advice and counsel of his legal division. At least, he was not in a position to pay increased rentals above those set and stipulated in the lease agreements, without the approval of his government, unless he personally assumed financial responsibility therefor. Under these circumstances, neither do we believe nor find that defendant Moore can be held personally liable for the payment of back or increased rentals and alleged damages.

As to the army officers who actually occupied the apartments involved, there is less reason for holding them personally liable for rentals and supposed damages as sought by the plaintiffs. It must be remembered that these army officers when coming to their station in Manila were not given the choice of their dwellings. They were merely assigned quarters in the apartment buildings in question. Said assignments or billets may well be regarded as orders, and all that those officers did was to obey them, and, accordingly, occupied the rooms assigned to them. Under such circumstances, can it be supposed or conceived that such army officers would first inquire whether the rental being paid by their government for the rooms or apartments assigned to them by order of their superior officer was fair and reasonable or not, and whether the period of lease between their government and the owners of the premises had expired, and whether their occupancy of their rooms or apartments was legal or illegal? And if they dismissed these seemingly idle speculations, assuming that they ever entered their minds, and continued to live in their apartments unless and until orders to the contrary were received by them, could they later be held personally liable for any back rentals which their government may have failed to pay to the owners of the buildings, or for any damages to the premises incident to all leases of property, especially in the absence of proof that such damages to prop-

erty had been caused by them and not by the previous occupants, also army officers who are not now parties defendant to this suit? Incidentally it may be stated that both defendants Moore and Tillman have long left these Islands to assume other commands or assignments and in all probability none of their 64 co-defendants is still within this jurisdiction.

On the basis of the foregoing considerations we are of the belief and we hold that the real party defendant in interest is the Government of the United States of America; that any judgment for back or increased rentals or damages will have to be paid not by defendants Moore and Tillman and their 64 co-defendants but by the said U. S. Government. On the basis of the ruling in the case of *Land vs. Dollar* already cited, and on what we have already stated, the present action must be considered as one against the U. S. Government. It is clear that the courts of the Philippines including the Municipal Court of Manila have no jurisdiction over the present case for unlawful detainer. The question of lack of jurisdiction was raised and interposed at the very beginning of the action. The U. S. Government has not given its consent to the filing of this suit which is essentially against her, though not in name. Moreover, this is not only a case of a citizen filing a suit against his own Government without the latter's consent but it is of citizen filing an action against a foreign government without said government's consent, which renders more obvious the lack of jurisdiction of the courts of his country. The principles of law behind this rule are so elementary and of such general acceptance that we deem it unnecessary to cite authorities in support thereof.

In conclusion we find that the Municipal Court of Manila committed no error in dismissing the case for lack of jurisdiction and that the Court of First Instance acted correctly in affirming the municipal court's order of dismissal. Case dismissed, without pronouncements as to costs.

Moran, C.J., Parás, Feria, Bengzon, Tuason, and Reyes, JJ., concur.

PERFECTO, J., dissenting:

The petition must be granted. This is the conclusion we have arrived at long ago, soon after this case had been submitted for our decision. We regret that, to avoid further delay in the promulgation of the decision in this case, we are constrained to limit ourselves to a synthesis of the reasons for our stand. So that this opinion may be released immediately, we are making it as short as possible. To said effect we have to waive the opportunity of elaborating on our arguments.

We are of the opinion that both the municipal court and the Court of First Instance of Manila erred in dis-

missing petitioners' complaint and the majority of the Supreme Court have given their exequatur to such grievous error.

There is no question that the Municipal Court of Manila had and has complete jurisdiction to take cognizance of and decide the case initiated by petitioners. That jurisdiction is the same whether the true defendants are those specifically mentioned in the complaint or the Government of the United States.

The contention that the Government of the United States of America is the real party defendant does not appear to be supported either by the pleadings or by the text of the contract of lease in question. If said government is the real party defendant and had intended to impugn the jurisdiction of the Municipal Court of Manila, it must have done so through its diplomatic representative in the Philippines, i. e., the American Ambassador. It does not appear that the American Ambassador had intervened in the case in any way and we believe no one appearing in the case has the legal personality to represent said government.

In the hypothesis that the Government of the United States of America is the lessee in the contract in question and, therefore, should be considered as the real party defendant in the ejectment case, that simple fact does not deprive our courts of justice of their jurisdiction to try any legal litigation relating to said contract of lease. The very fact that the government of the United States of America had entered into a private contract with private citizens of the Philippines and the deed executed in our country concerns real property located in Manila, places said government, for purposes of the jurisdiction of our courts, on the same legal level of the lessors.

Although, generally, foreign governments are beyond the jurisdiction of domestic courts of justice, such rule is inapplicable to cases in which the foreign government enters into private contracts with the citizens of the court's jurisdiction. A contrary view would simply run against all principles of decency and violative of all tenets of morals.

Moral principles and principles of justice are as valid and applicable as well with regard to private individuals as with regard to governments either domestic or foreign. Once a foreign government enters into a private contract with the private citizens of another country, such foreign government cannot shield its non-performance or contravention of the terms of the contract under the cloak of non-jurisdiction. To place such foreign government beyond the jurisdiction of the domestic courts is to give approval to the execution of unilateral contracts, graphically described in Spanish as "contratos leoninos," because one party gets the lion's share to the detriment of the other. To give validity to such contract is to certify bad faith.

deceit, fraud. We prefer to adhere to the thesis that all parties in a private contract, including governments and the most powerful of them, are amenable to law, and that such contracts are enforceable through the help of the courts of justice with jurisdiction to take cognizance of any violation of such contracts if the same had been entered into only by private individuals.

To advance the proposition that the Government of the United States of America, soon after liberating the Philippines from the invading Japanese forces, had entered with the petitioners into the lease contract in question with the knowledge that petitioners could not bring an action in our courts of justice to enforce the terms of said contract is to hurl against said government the blackest indictment. Under such situation, all the vociferous avowals of adherence to the principles of justice, liberty, democracy, of said Government would appear as sham. We cannot believe that the Government of the United States of America can in honest conscience support the stand of respondents in this case. We cannot believe that said government is so callous as not to understand the meaning of the shame entailed in the legal stand of non-jurisdiction intended to place said government beyond the reach of our courts of justice.

Judgment affirmed; case dismissed.

[No. L-1029. August 23, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
REYNALDO RAMOS Y LINAO, defendant and appellant

1. CRIMINAL LAW; ROBBERY IN AN INHABITED HOUSE WITH DOUBLE RAPE; EVIDENCE; WITNESSES' CONTRADICTIONS.—Unsubstantial contradictions incurred in by witnesses which can easily be explained, do not affect their credibility nor the weight of their testimonies.
2. ID.; ID.; FINDINGS OF TRIAL COURT AS TO CREDIBILITY OF WITNESSES.—As a general rule the findings of the trial court as to the credibility of witnesses, will not be disturbed by the appellate court.

APPEAL from a judgment of the Court of First Instance of Manila. Jugo, J.

The facts are stated in the opinion of the court.

Damian L. Jimenez for appellant.

Assistant Solicitor General Manuel P. Barcelona and
Acting Solicitor Pedro Ocampo for appellee.

MONTEMAYOR, J.:

In the Court of First Instance of Manila, Reynaldo Ramos y Linao was charged with the crime of "robbery in an inhabited house by means of force against and intimidation of persons with double rape," found guilty there-

of and sentenced to an indeterminate penalty of 8 years and 1 day of *prisión mayor* to 17 years, 4 months and 1 day of *reclusión temporal*; to indemnify the offended parties in the sum of ₱2,380, without subsidiary imprisonment in case of insolvency, and to pay the costs. He appealed to the Court of Appeals which later endorsed the case to the Supreme Court pursuant to the provisions of section 145-K of the Revised Administrative Code as amended by section 2 of Republic Act No. 52, it being of the opinion that the penalty which should be imposed in the case should be *reclusión perpetua* as recommended by the Solicitor General and not of *reclusión temporal* as imposed by the lower court.

The evidence in the record in our opinion conclusively establishes the following facts: On April 5, 1946, about midnight, four men each armed with a revolver broke into the house at 1432 Balintawak, Palomar, Manila, occupied by Atty. Filomeno Lerials, his wife and children and two cousins-in-law Lolita Abainza and her sister Marcela Abainza by forcing open the backdoor. At the time an electric light was burning in the middle of the room where the occupants of the house were sleeping. The first thing the occupants knew upon being awakened from their sleep, the four robbers were pointing their revolvers at them and threatening them with death if they made any resistance or outcry. They were herded in one corner of the room guarded by one of the robbers while his companions ransacked the house, their efforts resulting in a total loot amounting to ₱2,380, including cash of ₱1,100 and jewelry, silverware, watches, dresses and linen, valued at ₱1,280, all belonging to Atty. Filomeno Lerials and members of his household. After gathering the plunder the robbers put out the electric light and two of them pulled and dragged Lolita to one corner of the room and raped her. The two other robbers repeating the process, dragged Marcela to another corner and also ravished her, the sexual intercourses being accomplished against the will of both women and through force and intimidation. Only one of the robbers, the present defendant herein was identified, his identification having been made later by Attorney Lerials at the police station after the appellant's arrest. Although many suspects were shown to him, Lerials picked out only Reynaldo Ramos as one of the robbers and as one of the malefactors who took his turn in raping Marcela Abainza.

The appellant put up the defense of *alibi* but in a quite weak and ineffective manner, and to show that the prosecution did not consider his short testimony of any value, it did not even cross-examine him. When asked by his counsel where he was on April 5, 1946, that is, the day of the robbery, he said that he did not remember. Later, he

and rape of which he was accused. He also claims in his testimony that he could not have committed the crime of rape imputed to him because he was incapable of sexual intercourse as his private organ was not complete. His counsel now who seems to be the same lawyer who represented him at the trial claims in his brief that he repeatedly asked the lower court to have the defendant physically examined, especially his private parts to support his claim that he was physically incapable of sexual intercourse but that the trial judge persistently refused to accede to his request. The record however, fails to show this supposed motion or request of counsel for the defendant or the alleged refusal of the court to permit the physical examination of the accused. Besides, Marcela assured the Court that the two men who dragged her to one corner or room succeeded in having sexual intercourse with her, the first man taking about thirty minutes to satisfy his lust and the second man employing about fifteen minutes to consummate the sexual act. True, Marcela was unable to recognize her ravishers, but Lerials positively identified the appellant as one of them.

As to the alleged contradictions supposedly incurred in by the witnesses for the prosecution, claimed by counsel for the appellant, we agree with the Solicitor General that they are unsubstantial and do not affect the credibility of such witnesses nor the weight to be attached to their testimonies, and they can easily be explained. For instance, while Lerials told the court that the robbery was committed about 1 o'clock in the morning, Lolita and Marcela said that it was about 10 o'clock in the evening. Unless these witnesses looked at their watches if they had any, to tell the time, which in their panic and excitement they could not probably have done, they could honestly disagree as to the exact hour the robbers broke into their house. While Lerials said that he distinctly saw Marcela being ravished by at least one of the robbers, Marcela told the court that only her two ravishers witnessed the brutal act and that Lerials was not present. Considering the fact that the rape of the two women was accomplished after the electric light was put out by the robbers and that the house must have been in total darkness except for the occasional flashes of the flashlights of the robbers, Marcela may have been mistaken in saying that Lerials was not anywhere near her when she was ravished in order to witness the ravishment. As to the credibility of the witnesses, we find nothing in the record to justify our disturbing the credit given by the lower court to the witnesses for the prosecution and its failure to believe the testimony of the appellant. On the contrary, the fact that only Lerials claims to have been able to identify the appellant herein and that Marcela and Lolita who could easily have told the court without fear of possible contradiction

that they also recognized the appellant in order to insure his conviction, frankly told the court that they did not recognize any of the four malefactors, strengthens our conviction that the prosecution witnesses were truthful and sincere.

We agree with the trial court in its finding the appellant guilty of the crime charged against him. We however, disagree as to the penalty imposed. As correctly recommended by the Solicitor General, considering the presence of the aggravating circumstances of nighttime, dwelling, and in band, the penalty in article 294, paragraph 2 of the Revised Penal Code should be imposed in its maximum degree, namely, *reclusión perpetua*. With the modification that the prison sentence imposed by the trial court should be raised to *reclusión perpetua*, the decision appealed from is hereby affirmed, with costs against the appellant.

Moran, C. J., Ozaeta, Parás, Feria, Bengzon, Padilla, Tuason, and Reyes, JJ., concur.

Judgment modified; penalty increased.

[No. L-2016. August 23, 1949]

Testate estate of Richard Thomas Fitzsimmons, deceased.
MARCIAL P. LICHAUCO, administrator and appellee, *vs.*
ATLANTIC, GULF & PACIFIC COMPANY OF MANILA,
claimant and appellant.

1. EVIDENCE; SURVIVING-PARTIES RULE; WITNESSES; CORPORATION AS A PARTY; OFFICERS AND/OR STOCKHOLDERS ARE NOT DISQUALIFIED TO TESTIFY.—Inasmuch as section 26(c) of Rule 123 of the Rules of Court disqualifies only parties or assignors of parties, the officers and/or stockholders of a corporation are not disqualified from testifying for or against the corporation which is a party to an action upon a claim or demand against the estate of a deceased person as to any matter of fact occurring before the death of such deceased person.
2. ID.; SELF-SERVING DECLARATION AND DECLARATION AGAINST INTEREST, COMPARED AND DISTINGUISHED.—A self-serving declaration is a statement favorable to the interest of the declarant. It is not admissible in evidence as proof of the facts asserted. “The vital objection to the admission of this kind of evidence is its hearsay character. Furthermore such declarations are untrustworthy; to permit their introduction in evidence would open the door to frauds and perjuries.” (20 Am. Jur., Evidence, sec. 558, pages 470, 471.) On the other hand, a declaration against the interest of the person making it is admissible in evidence, notwithstanding its hearsay character, if the declaration is relevant and the declarant has died, become insane, or for some other reason is not available as a witness. “The true test in reference to the reliability of the declaration is not whether it was made *ante litem motam*, as is the case with reference to some classes of hearsay evidence, but whether the declaration was uttered under circumstances justifying the conclusion that there was no probable motive to falsify.” (*Id.*, section 556, pp. 467, 468.)
3. CORPORATIONS; OFFICERS; SALARIES; DURING PERIOD WHEN COR-

OR DID NOT PERFORM ANY SERVICE.—There exists no principle of law that would authorize the court to compel a corporation, which for a long period was not in operation and did not receive any income, to pay the salaries of its officers during such period, even though they were incapacitated and did not perform any service. To do so would be tantamount to depriving the corporation or its stockholders of their property without due process of law.

APPEAL from an order of the Court of First Instance of Manila. Natividad, J.

The facts are stated in the opinion of the court.

Perkins, Ponce Enrile, Contreras & Gomez and Tañada, Pelaez & Teehankee for appellant.

Roxas, Picazo & Mejia for appellee.

OZAETA, J.:

This is an appeal from a judgment of the Court of First Instance of Manila denying appellant's claim of ₱63,868.67 against the estate of the deceased Richard T. Fitzsimmons, and granting appellee's counterclaim of ₱90,000 against the appellant.

The appellant Atlantic, Gulf & Pacific Company of Manila is a foreign corporation duly registered and licensed to do business in the Philippines, with its office and principal place of business in the City of Manila.

Richard T. Fitzsimmons was the president and one of the largest stockholders of said company when the Pacific war broke out on December 8, 1941. As such president he was receiving a salary of ₢3,000 a month. He held 1,000 shares of stock, of which 545 shares had not been fully paid for but for which he had executed promissory notes in favor of the company aggregating ₱245,250, at the rate of ₢450 a share. In 1941 the sum of ₱64,500 had been credited in his favor on account of the purchase price of the said 545 shares of stock out of bonuses and dividends to which he was entitled from the company. Under his agreements with the company dated April 4 and July 12, 1939, should he die without having fully paid for the said 545 shares of stock, the company, at its option, may either reacquire the said 545 shares of stock by returning to his estate the amount applied thereon, or issue in favor of his estate the corresponding number of the company's shares of stock equivalent to the amount paid thereon at ₢450 a share.

Soon after the Japanese army occupied Manila in January, 1942, it seized and took possession of the office and all the properties and assets of the appellant corporation and interned all its officials, they being American citizens.

Richard T. Fitzsimmons died on June 27, 1944, in the Santo Tomas internment camp, and special proceeding No. 70139 was subsequently instituted in the Court of First Instance of Manila for the settlement of his estate.

The Atlantic, Gulf & Pacific Company of Manila resumed business operations in March, 1945.

In due course the said company filed a claim against the estate of Richard T. Fitzsimmons which, as amended, consisted of the following items:

A. Personal overdraft of Richard T. Fitzsimmons with Atlantic, Gulf & Pacific Company of Manila in current account	₱63,000.00
B. Charges from San Francisco agent of the company not included in above figure A as of November 30, 1945 (₱1,002), less subsequent credit advice from San Francisco agent (₱133.33)	868.67
Total	₱63,868.67

In the same claim the company offered to reacquire the 545 shares sold to the deceased Fitzsimmons upon return to his estate of the amount of ₱64,500 paid thereon, and asked the court to authorize the setoff of the amount of its claim of ₱63,868.67 from the amount of ₱64,500 returnable to the estate.

In his answer to the amended claim the administrator denied the alleged indebtedness of the deceased to the claimant, expressed his conformity to the refund of ₱64,500 by the claimant to the estate and the retransfer by the latter to the former of the 545 shares of stock, and set up a counterclaim of ₱90,000 for salaries allegedly due the deceased from the claimant corresponding to the years 1942, 1943, and the first half of 1944, at ₱36,000 per annum.

The issues raised by this appeal are:

1. Whether appellant's claims of ₱63,000 and ₱868.67 have been established by satisfactory evidence; and
2. Whether the deceased Richard T. Fitzsimmons was entitled to his salary as president of the Atlantic, Gulf & Pacific Company of Manila from January, 1942, to June 27, 1944, when he died in the Santo Tomas internment camp.

I. Upon the claim of ₱63,000 (item A) the evidence for the claimant consisted of the testimony of Santiago Inacay and Modesto Flores, chief accountant and assistant accountant, respectively, of the Atlantic, Gulf & Pacific Company of Manila. (It is admitted that all the prewar books and records of the company were completely destroyed or lost during the war.)

Santiago Inacay testified in substance as follows: He was chief of the accounting department of the Atlantic, Gulf & Pacific Company from June, 1930, to December, 1941, and from March, 1945, to the present. The officers of the company had the privilege of maintaining personal accounts with the company. The deceased Fitzsimmons maintained such an account, which consisted of cash advances from the company and payment of bills.

side for his account. On the credit side were entered the salaries of the official and the payments made by him. "The personal account of Mr. Fitzsimmons, in the year 1941, was on the debit balance; that is, he owed money to the company." "Q. How much was the amount of that debit account of Mr. Fitzsimmons, basing on your recollections?—A. In my recollection of the account, personal account of Mr. Fitzsimmons, as of the last statement of account rendered in the year 1941, it was around P63,000." At the end of each month the accounting department rendered to the deceased a statement of his account showing the balance of his account, and at the bottom of that statement the deceased signed his conformity to the correctness of the balance. The last statement of account rendered to the deceased was that corresponding to the month of November, 1941, the office of the company having closed on December 29, 1941. Asked how it was possible for him to remember the status of the personal account of Mr. Fitzsimmons, he replied: "As Mr. Fitzsimmons was the president and member of the board of directors, I have to remember it, because it is very shameful on my part that when the said officer and other officers of the company come around and ask me about their balance, I could not tell them the amount of their balance, although not in exact figures, at least in round figures." This witness further testified on direct examination as follows:

"Q. You said that Mr. Fitzsimmons is one of those officers whose personal account with the Atlantic, Gulf & Pacific Co. used to be on the debit side in the years previous to 1941. Can you tell the Honorable Court what would happen at the end of each year to the personal account, and to the status of the personal account of Mr. Fitzsimmons?—A. At the end of each year, after the declaration of dividends on paid shares, bonuses and directors' fees, the account will balance to a credit balance. In other words, at the start of the following years, the account will be on the credit side.

"Q. So that I gather from you, Mr. Inacay, that the personal account of Mr. Fitzsimmons, as well as the other officers of the Atlantic, Gulf & Pacific Co., at the end of each year, and at the beginning of the incoming year, generally, would be in the credit balance; because of the application of dividends on paid shares, bonuses and the directors' fees?—A. Yes, sir." (Page 80, t. s. n.)

On cross-examination the witness admitted that he could not recollect the amount of the balance, either debit or credit, of each of the Americans and other employees who maintained a current account with the company; and on redirect examination he explained that he remembered the balance of the account of Mr. Fitzsimmons "because as accountant I should be—I should have knowledge more or less, of the status of the account of the president, the treasurer, and the rest of the directors."

Modesto Flores testified in substance as follows: He was assistant accountant of the Atlantic, Gulf & Pacific

Company from October 1, 1935, to December, 1941, and from March 8, 1945, to the present. In 1941, Mr. Fitzsimmons, president of the company, had a personal account with the latter consisting of cash advances which he withdrew from the company and of payments for his account of groceries, automobile, salary of his chauffeur, gasoline and oil, and purchases of furniture for his house and other articles for his personal use. On the credit side of his account were entered his monthly salaries, the dividends declared, if any, the bonuses, and the director's fees. Witness was the one who as accountant made the entries in the books of the company. When Mr. Fitzsimmons withdrew funds by way of cash advances from the company, he signed receipts therefor which were delivered to the cashier, who in turn delivered them to him. When creditors of Mr. Fitzsimmons presented bills to the accounting department for payment, those bills were approved by Mr. Fitzsimmons and the company paid them and charged them to his account. All the books, receipts, papers, documents, and accounts referring to the personal account of Mr. Fitzsimmons were lost during the war. Witness remembered that the personal account of Mr. Fitzsimmons on December 29, 1941, was on the debit side, amounting to ₢63,000 more or less, according to his best recollection. On cross-examination he testified that in the absence of the records he could not state what part of the ₢63,000 represented cash advances and what part represented payments made by the company to the creditors of Mr. Fitzsimmons.

Aside from Santiago Inacay and Modesto Flores, the claimant also called as witnesses Mr. Henry J. Belden and Mr. Samuel Garmezy, vice-president-treasurer and president, respectively, of the claimant company, to testify on the status of the personal account of the deceased Fitzsimmons with the company as of December, 1941; but upon objection of the administrator the trial court refused to admit their testimony on that point on the ground that said witnesses were incompetent under section 26(c) of Rule 123, they being not only large stockholders and members of the board of directors but also vice-president-treasurer and president, respectively, of the claimant company.

In view of the ruling of the trial court, counsel for the claimant stated in the record that Mr. Belden, if permitted to testify, would testify as follows: That the deceased Fitzsimmons, being president of the Atlantic, Gulf & Pacific Company in the year 1941, had a current account with said company which, upon the outbreak of the war in December, 1941, had a debit balance against him of ₢63,000, and that said sum or any part thereof had not been paid. At the suggestion of the court counsel asked his witness whether, if permitted, he really would so testify, and the witness answered in the affirmative.

said: "Let Attorney Gomez's offer of testimony ratified by the witness Mr. Belden be made of record."

With regard to the witness Mr. Garmezy, counsel for the claimant also made the following offer of proof, to wit: That if said witness were allowed to testify, he would testify as follows:

"That sometime in November—sometime during the last days of November, or the first days of December, 1941—he received a copy of the trial balance sheet, and in that trial balance sheet, among other things, the personal accounts of each and every one of the officers of the Atlantic, Gulf & Pacific Co., including himself, and also the deceased R. T. Fitzsimmons, appear; and that this witness would also testify to the fact that on that occasion he checked up *his* own personal record with the entries appearing in the said trial balance sheet, and he then had occasion to find out that the account of the deceased Fitzsimmons with the Atlantic, Gulf & Pacific Co. was a debit account in the amount of around sixty-three thousand pesos, while the personal account of Mr. Garmezy, the witness now testifying, showed a credit account in the sum of around sixty-three thousand pesos. This witness will also testify that this account of sixty-three thousand pesos owed by Mr. Fitzsimmons appeared in that trial balance, which he had occasion to read in the first days of December, 1941, was not paid by Mr. Fitzsimmons until the present date." (Pages 35-36, t. s. n.)

That offer of proof was likewise ratified by the witness Garmezy and made of record by the trial court.

The evidence for the administrator against this claim of ₱63,000 consisted of Exhibit 1 and the testimony of Mr. Marcial P. Lichauco explaining the circumstances under which said document was prepared and signed by the deceased Fitzsimmons. It appears that on December 15, 1942, Richard Thomas Fitzsimmons sued his wife Migueila Malayto for divorce in the Court of First Instance of Manila. On August 9, 1943, after due trial, the court rendered judgment granting plaintiff's petition for divorce and ordering the dissolution of the marriage between the parties. Attorney Lichauco represented the plaintiff in that divorce case. After the decree of divorce had become final the plaintiff Fitzsimmons, pursuant to the provisions of the divorce law then in force, submitted to the court an inventory of the assets and liabilities of the conjugal partnership, with a proposed adjudication or division of the net assets among the ex-spouses and their children. A carbon copy of said inventory, which was signed by Richard Thomas Fitzsimmons on November 9, 1943, and filed in the Court of First Instance of Manila on the same date in civil case No. 296, was presented by the administrator as Exhibit 1 in this case and admitted by the trial court over the objection of the claimant. The administrator Mr. Lichauco testified herein that as attorney for Mr. Fitzsimmons in the divorce case he prepared the said inventory from the data furnished him by Mr. Fitzsimmons after he had conferred with and explained to the latter why it was necessary to prepare said inventory,

telling him that under the divorce law the conjugal properties had to be liquidated; that since he (Fitzsimmons) was married to Miguela Malayto in the year 1939, he had to include in said inventory all the properties acquired by him between the date of his marriage and the date of his divorce, and that all the obligations incurred by him and not yet paid during the same period should be included because they had to be deducted from the assets in order to determine the net value of the conjugal properties; that he made it very clear to Mr. Fitzsimmons that he should not forget the obligations he had because they would diminish the amount his wife was going to receive, and that any obligation not included in the inventory would be borne by him alone after his wife had received her share.

According to Exhibit 1 the gross value of the assets of the conjugal partnership between the deceased Fitzsimmons and his wife Miguela Malayto as of November, 1943, was ₱174,700, and the total amount of the obligations was ₱30,082. These obligations consisted of only two items—one of ₱21,426 in favor of the Peoples Bank and Trust Company and another of ₱8,656 in favor of the Philippine Bank of Commerce. In other words, no obligation whatsoever in favor of the Atlantic, Gulf & Pacific Company of Manila was listed in said inventory Exhibit 1. And upon that fact the administrator based his opposition to the claim in question.

Before weighing the evidence hereinabove set forth to determine whether it is sufficient to prove appellant's claim of ₱63,000, it is necessary for us to pass upon appellant's first and third assignments of error referring, respectively, to the trial court's rejection of the testimony of the witnesses Belden and Garmezy and its admission of Exhibit 1.

The question raised by the first assignment of error is whether or not the officers of a corporation which is a party to an action against an executor or administrator of a deceased person are disqualified from testifying as to any matter of fact occurring before the death of such deceased person, under Rule 123, section 26(c), of the Rules of Court, which provides:

"Parties or assignors of parties to a case, or persons in whose behalf a case is prosecuted, against an executor or administrator or other representative of a deceased person, or against a person of unsound mind, upon a claim or demand against the estate of such deceased person or against such person of unsound mind, cannot testify as to any matter of fact occurring before the death of such deceased person or before such person became of unsound mind."

This provision was taken from section 383, paragraph 7, of our former Code of Civil Procedure, which in turn was derived from section 1880 of the Code of Civil Procedure of California.

In the case of *City Savings Bank vs. Enos*, 135 Cal., 167; 67 Pac., 52, 55, the Supreme Court of California, interpreting said article 1880, said:

"* * * The provision applies only to parties or assignors of parties, and Haslam was neither the one nor the other. If he was a stockholder, which it is claimed he was, that fact would make no difference, for interest no longer disqualifies under our law, Civ. Code Proc. sec. 1879. Appellant cites section 14, Civ. Code, to the effect that the word 'person' includes a corporation; and claims that, as the corporation can only speak through its officers, the section must be held to apply to all who are officially related to the corporation. A corporation may be conceded to be a person, but the concession does not help appellant. To hold that the statute disqualifies all persons from testifying who are officers or stockholders of a corporation would be equivalent to materially amending the statute by judicial interpretation. Plainly the law disqualifies only 'parties or assignors of parties,' and does not apply to persons who are merely employed by such parties or assignors of parties."

In a later case, *Merriman vs. Wickersman*, 141 Cal., 567; 75 Pac., 180, 181-182, the same tribunal, in passing upon the competency of a vice-president and principal stockholder of a corporation to testify, reaffirmed its ruling in *City Savings Bank vs. Enos*, *supra*, after examining decisions of other state supreme courts in relation to their respective statutes on the same subject. The court said:

"The Burnham & Marsh Company is a corporation. Mr. Marsh, vice-president and one of its principal stockholders, was allowed to testify to matters and facts in issue. It is contended that the evidence was improperly admitted, in violation of section 1880 of the Code of Civil Procedure, which provides that 'the following persons cannot be witnesses: * * * Parties or assignors of parties to an action or proceeding, or persons in whose behalf an action or proceeding is prosecuted, against an executor or administrator, upon a claim or demand against the estate of a deceased person, as to any matter of fact occurring before the death of such deceased person.' At common law interest disqualifies any person from being a witness. That rule has been modified by statute. In this state interest is no longer a disqualification, and the disqualifications are only such as the law imposes. Code Civ. Proc., sec. 1879. An examination of the authorities from other states will disclose that their decisions rest upon the wordings of their statutes, but that generally, where interest in the litigation or its outcome has ceased to disqualify, officers and directors of corporations are not considered to be parties within the meaning of the law. In example, the statute of Maryland (Pub. Gen. Laws, art. 35, sec. 2) limits the disability to the 'party' to a cause of action or contract, and it is held that a salesman of a corporation, who is also a director and stockholder, is not a party, within the meaning of the law, so as to be incompetent to testify in an action by the company against the other party, who is insane or dead. *Flach vs. Cottschalk Co.*, 88 Md., 368; 41 Atl., 908; 42 L. R. A., 745; 71 Am. St. Rep., 418. To the contrary, the Michigan law expressly forbids 'any officer or agent of a corporation' to testify at all in relation to matters which, if true, must have been equally within the knowledge of such deceased person. *Howell's Ann. St. Mich.* sec. 7545. The Supreme Court of Michigan, in refusing to extend the rule to agents of partnerships, said: 'It is conceded that this testimony does not come directly within the wording of the statute, but it is said there is

the same reason for holding the agent of a partnership disqualified from testifying that there is in holding the agent of a corporation. This is an argument which should be directed to the legislative rather than to the judicial department of government. * * * The inhibition has been put upon agents of corporations, and has not been put upon agents of partnerships. We cannot, by construction, put into the statute what the Legislature has not seen fit to put into it.' *Demary vs. Burtenshaws' Estate* (Mich.), 91 N. W., 649. In New York the statute provides that against the executor, administrator, etc., 'no party or person interested in the event, or person from, through, or under whom such party or interested person derives his interest or title shall be examined as a witness in his own behalf or interest.' This is followed by the exception that a person shall not be deemed interested by reason of being a stockholder or officer of any banking corporation which is a party to the action or proceeding or interested in the event thereof. Ann. Code Civ. Proc. N. Y., sec. 829. Here it is apparent that the interest of the witness is made a disqualification, and it is of course held that stockholders and officers of corporations other than banking corporations are under disqualification. *Keller vs. West Bradley Mfg. Co.*, 39 Hun, 348.

"To like effect is the statute of Illinois, which declares that no party to any civil action, suit or proceeding, or person directly interested in the event thereof, shall be allowed to testify under the given circumstances. Under this statute it is held that stockholders are interested, within the meaning of the section, and are incompetent to testify against the representatives of the deceased party. *Albers Commission Co. vs. Sessel*, 193 Ill., 153, 61 N. E., 1075. The law of Missouri disqualifies 'parties to the contract or cause of action,' and it is held that a stockholder, even though an officer of the bank, is not disqualified by reason of his relation to the corporation when he is not actually one of the parties to the making of the contract in the interest of the bank.

"Our own statute, it will be observed, is broader than any of these. It neither disqualifies parties to a contract nor persons in interest, but only parties to the action (Code Civil Procedure, sections 1879, 1880); and thus it is that in *City Savings Bank vs. Enos*, 135 Cal., 167, 67 Pac., 52, it has been held that one who is cashier and at the same time a stockholder of a bank was not disqualified, it being said: 'To hold that the statute disqualifies all persons from testifying who are officers or stockholders of a corporation would be equivalent to materially amending the statute by judicial interpretation.' It is concluded, therefore, that our statute does not exclude from testifying a stockholder of a corporation, whether he be but a stockholder, or whether, in addition thereto, he be a director or officer thereof."

The same view is sustained in *Fletcher Cyclopedia Corporations*, Vol. 9, pages 535-538; in *Jones on Evidence*, 1938 Ed. Vol. 3, page 1448; and in *Moran on the Law of Evidence in the Philippines*, 1939 Ed. pages 141-142.

The appellee admits in his brief that in those states where the "dead man's statute" disqualifies only parties to an action, officers and stockholders of a corporation have been allowed to testify in favor of the corporation, while in those states where "parties and persons interested in the outcome of the litigation" are disqualified under the statute, officers and stockholders of the corporation have been held to be incompetent to testify against the estate of a deceased person.

The weight of authority sustains appellant's first assignment of error. Inasmuch as section 26(c) of Rule 123 disqualifies only parties or assignors of parties, we are constrained to hold that the officers and/or stockholders of a corporation are not disqualified from testifying, for or against the corporation which is a party to an action upon a claim or demand against the estate of a deceased person, as to any matter of fact occurring before the death of such deceased person.

It results that the trial court erred in not admitting the testimony of Messrs. Belden and Garmezy. It is not necessary, however, to remand the case for the purpose of taking the testimony of said witnesses because it would be merely corroborative, if at all, and in any event what said witnesses would have testified, if permitted, already appears in the record as hereinabove set forth, and we can consider it together with the testimony of the chief accountant and the assistant accountant, who according to the appellant itself were "the only ones in the best of position to testify on the status of the personal account" of the deceased Fitzsimmons.

The third assignment of error raises the question of the admissibility of Exhibit 1. Appellant contends that it is a self-serving declaration, while appellee contends that it is a declaration against interest.

A self-serving declaration is a statement favorable to the interest of the declarant. It is not admissible in evidence as proof of the facts asserted. "The vital objection to the admission of this kind of evidence is its hearsay character. Furthermore such declarations are untrustworthy; to permit their introduction in evidence would open the door to frauds and perjuries." (20 Am. Jur., Evidence, sec. 558, pages 470-471.)

On the other hand, a declaration against the interest of the person making it is admissible in evidence, notwithstanding its hearsay character, if the declaration is relevant and the declarant has died, become insane, or for some other reason is not available as a witness. "The true test in reference to the reliability of the declaration is not whether it was made *ante litem motam*, as is the case with reference to some classes of hearsay evidence, but whether the declaration was uttered under circumstances justifying the conclusion that there was no probable motive to falsify." (*Id.*, section 556, pp. 467-468.)

Insofar, at least, as the appellant was concerned, there was no probable motive on the part of Fitzsimmons to falsify his inventory Exhibit 1 by not including therein appellant's present claim of P63,000 among his obligations or liabilities to be deducted from the assets of the conjugal partnership between him and his divorced wife. He did not know then that he would die within one year and that the corporation of which he was the president and one

of the largest stockholders would present the claim in question against his estate. Neither did he know that the books and records of that corporation would be destroyed or lost. Yet, although he listed in said inventory his obligations in favor of the Peoples Bank and Trust Company and the Philippine Bank of Commerce aggregating more than ₱30,000, he did not mention at all any obligation in favor of the corporation of which he was the president and one of the largest stockholders.

Assuming that he owed his corporation ₱63,000 for which he signed receipts and vouchers and which appeared in the books of said corporation, there was no probable motive for him not to include such obligation in the inventory Exhibit 1. It would have been to his interest to include it so that his estranged and divorced wife might share in its payment. The net assets appearing in Exhibit 1 amounted to ₱144,618, one half of which was adjudicated to the children and the other half was divided between the spouses, so that each of the latter received only ₱36,154.50. By not including the obligation of ₱63,000 claimed by the appellant (assuming that he owed it), Fitzsimmons' adjudicated share in the liquidation of the conjugal partnership would be short by nearly ₱27,000 to meet said claim, whereas by including said obligation he would have received a net share of more than ₱10,000 free from any liability.

We find, therefore, that Exhibit 1, insofar as the omission therefrom of the claim in question was concerned, far from being self-serving to, was a declaration against the interest of, the declarant Fitzsimmons. He having since died and therefore no longer available as a witness, said document was correctly admitted by the trial court in evidence.

We shall now pass upon appellant's second assignment of error, which raises the question of whether or not appellant's claim has been satisfactorily proven.

We shall consider the claim of ₱63,000 separately from the item of ₱868.67.

We have no reason whatsoever to doubt the good faith of Messrs. Samuel Garmezy and Henry J. Belden, president and vice-president-treasurer, respectively, of the claimant corporation, in presenting the claim of ₱63,000 against the estate of Fitzsimmons, nor the good faith of the administrator Mr. Marcial P. Lichauco in opposing said claim. They are all men of recognized integrity and of good standing in society. The officers of the claimant corporation have shown commendable fairness in their dealings with the estate of Fitzsimmons. They voluntarily informed the administrator that Fitzsimmons had paid ₱64,500 on account of the purchase price of 545 shares of stock of the company, and not ₱45,000 only, as the administrator believed. Likewise, they voluntarily informed

him in connection with his claim for Fitzsimmons' back salaries that Fitzsimmons' annual salary was ₢36,000 and not ₢30,000, as the administrator believed. We can therefore readily assume that Messrs. Garmezy and Belden believed in good faith that the books of the corporation showed a debit balance of around ₢63,000 as of the outbreak of the Pacific war on December 8, 1941.

On the other hand, if Mr. Fitzsimmons, who was the president and one of the largest stockholders of the claimant corporation, really owed the latter around ₢63,000 on December 8, 1941, and had not paid it before he liquidated his conjugal partnership in November, 1943, as a consequence of the decree of divorce he obtained against his wife, we see no reason why he did not include such obligation in said liquidation. Judging from the high opinion which the officers and stockholders of the corporation entertained of Fitzsimmons as shown by their resolution hereinafter quoted, they cannot impute bad faith to him in not acknowledging the claim in question.

There is a possible explanation of this seemingly irreconcilable conflict, which in the absence of other proofs we consider satisfactory but which both parties seem to have overlooked. We find it in the testimony on direct examination of appellant's witness Santiago Inacay, page 80 of the transcript, hereinabove quoted. According to Inacay, at the end of each year, after the declaration of dividends, bonuses, and director's fees, the account of Fitzsimmons was brought up to a credit balance. "In other words," he said, "at the start of the following year the account will be on the credit side." Not satisfied with that categorical statement, counsel for the appellant asked his own witness the following question and the witness gave the following answer:

"Q. So that I gather from you, Mr. Inacay, that the personal account of Mr. Fitzsimmons, as well as the other officers of the Atlantic Gulf & Pacific Co., at the end of each year, and at the beginning of the incoming year, generally, would be in the credit balance; because of the application of dividends on paid shares, bonuses, and director's fees?—A. Yes, sir.

"Q. In the year, 1941, therefore, no declaration of dividends for the last six months—there were no declarations of director's fees * * *. I withdraw the question, and that is all."

It is to be regretted that neither counsel for the appellant nor counsel for the appellee pursued the examination of the witness to determine, if possible, the approximate amount of the dividends, bonuses, and director's fees that would have been credited to Fitzsimmons as of the end of the year 1941. But enough appears in his testimony to warrant the deduction that had the war not forced the corporation to close office on December 29, 1941, dividends, bonuses, and director's fees for the year 1941 would, as of the end of that year, have been declared and credited

to the account of Fitzsimmons, which as in previous years would or might have brought that account on the credit side. President Garmezy reported to the meeting of the stockholders that the volume of work performed by the company in 1941 "exceeded that of 1940." (Exhibit 2.) We cannot assume that the company earned less profits in 1941 than in 1940. Probably the reason why Fitzsimmons did not include or mention any obligation in favor of his own corporation in his inventory Exhibit 1 was that he believed he was entitled to be credited by said corporation with dividends, bonuses, and director's fees corresponding to the year 1941, which as in previous years would bring his account on the credit side. If that was the case, the company was technically correct in asserting that at the outbreak of the Pacific war in December, 1941, its books showed a debit balance against Fitzsimmons—no dividends, bonuses, and director's fees having been actually declared and credited to Fitzsimmons at that time. But we think Fitzsimmons was justified in considering his account as having to all intents and purposes been brought on the credit side; because if such dividends, bonuses, and director's fees had been earned, the fact that they were not actually declared and credited to him, should not prejudice him. The subsequent loss of the company's properties and assets as a result of the war should be borne by the company and not by its officers.

Leaving the foregoing reflections aside, we are confronted only, on the one hand, by the oral testimony of the witnesses for the claimant based entirely on their memory as to the status of Fitzsimmons' account, and on the other by Exhibit 1, which contradicts said testimony. Realizing the frailty and unreliability of human memory, especially with regard to figures, after the lapse of more than five years, we find no sufficient basis upon which to reverse the trial court's finding that this claim had not been satisfactorily proven.

With reference to the item of ₩868.67, we find it to have been sufficiently proven by the testimony of Santiago Inacay and Modesto Flores, supported by the documents Exhibits A, B, C, and D, which establish the fact that in November and December, 1941, the San Francisco agent of the company deposited in the Crocker First National Bank of San Francisco the total sum of \$500 to the account of Fitzsimmons, which said agent debited against the company. Debit notices of the deposits were not received by the company until after the liberation. The administrator admitted in his testimony that after the death of Fitzsimmons he received from the Crocker First National Bank of San Francisco the balance of Mr. Fitzsimmons' account in the sum of ₩1,788.75. Aside from that debit of ₩1,000 against the company for the account of Fitzsimmons, the agent also paid ₩1 on ₩2 for Fitz-

simmons' subscription to the San Francisco *Chronicle*, making a total of ₱1,002. From this was deducted a credit of ₱133.33, consisting of a payment made on June 30, 1946, by a creditor of Fitzsimmons named J. H. Chew, as testified to by Mr. Flores and supported by Exhibit E, leaving a balance of ₱868.67.

The trial court therefore erred in not allowing said claim.

II. We shall now pass upon appellant's fourth assignment of error, which assails the trial court's granting of appellee's counterclaim of ₱90,000 for salaries allegedly due to the deceased Fitzsimmons as president of the appellant corporation for the years 1942, 1943, and the first six months of 1944.

The undisputed facts are: Fitzsimmons was the president of the appellant corporation in 1941 with a salary of ₱36,000 a year. The corporation was forced to suspend its business operations from December 29, 1941, to March 8, 1945, on account of the war, its office and all its properties having been seized by the Japanese invader. Fitzsimmons, together with the other officers of the corporation, was interned by the enemy in the Santo Tomas internment camp, where he died on June 27, 1944.

At the annual meeting of the stockholders of the corporation held on January 21, 1946, the president, S. Garmezy, reported among other things as follows:

"While interned, the Company borrowed money on notes signed by Mr. Fitzsimmons and Mr. Garmezy; money was also received for the same purpose without signing of notes. Mr. Kihlstedt, who before the war was Superintendent of the Philippine Iron Mines, helped a great deal in obtaining this money, bringing it to Camp and distributing it to families living outside the Camp. Mr. Kihlstedt being a Swedish citizen, was able to live outside and he did some very good work."

And in that meeting the following resolutions, among others, were approved:

"RESOLVED, that all acts in 1941 through 1945 of the Directors in office since their election in 1941 and elected in the interim, as duly recorded in the minutes of the meetings of the Board, are hereby approved, ratified and confirmed, and are to be accepted as acts of this corporation."

"RESOLVED, that in the death of R. T. Fitzsimmons, President of the Company from March, 1939, to the time of his death, which occurred in the Santo Tomas Internment Camp, Manila, on June 27, 1944, the Company suffered a distinct loss and his country a loyal American;

"FURTHER, that his passing is keenly felt and mourned by those of the Company with whom he was associated for more than thirty years, not only because of his value to the Company as an executive but also for the kindness, consideration and tolerance he showed to all at all times;

"BE IT FURTHER RESOLVED, that the Company convey its sympathies to the family and other immediate relatives of the late Mr. Fitzsimmons, transmitting to them a copy of this resolution."

Based upon those facts, the trial court granted the "back pay" claimed by the appellee.

There was no resolution either of the stockholders or of the board of directors of the company authorizing the payment of the salaries of the president or any other officer or employee of the corporation for the period of the war when the corporation was forced completely to suspend its business operations and when its officers were interned or virtually held prisoners by the enemy.

The theory of the appellee, which was sustained by the trial court, is that as long as a corporate officer with a fixed salary retains the office he is entitled to that salary notwithstanding his inability to perform his duties. The main case cited by the appellee in support of his theory is *Brown vs. Galveston Wharf Co.*, 50 S. W., 126, 128; 92 Tex., 520. In that case the president of the defendant corporation claimed his salary for a period of almost eleven months, during which he was on an indefinite leave of absence, and the court allowed it, holding that "so long as he remained the president of the company, the salary was an incident to the office, and ran with it for the whole time, although he may have failed to perform the duties of president for any given part of such time."

If such a sweeping pronouncement is to be applied regardless of whether or not the corporation was in operation during the period covered by the claim for the salary, as seems to be contended by the appellee, we must say that we cannot subscribe to it.

We know of no principle of law that would authorize the court to compel a corporation, which for a long period was not in operation and did not receive any income, to pay the salaries of its officers during such period, even though they were incapacitated and did not perform any service. To do so would be tantamount to depriving the corporation or its stockholders of their property without due process of law.

The resolutions of the stockholders hereinabove quoted are invoked by the appellee to support the proposition that Fitzsimmons, during his internment, performed certain acts as president of the corporation, which were ratified and confirmed by the stockholders in their annual meeting on January 21, 1946. But those acts consisted merely of borrowing money for himself and the other officers of the corporation and their respective families to enable them to eke out an existence during their internment. The ratification of those acts by the stockholders had for its purpose to relieve Fitzsimmons of personal liability for the obligations thus contracted by him in the name of the company. To say that by thus ratifying those acts of Fitzsimmons the corporation became obligated to pay his salaries during his internment aggregating

We are clearly of the opinion that the estate of Fitzsimmons is not entitled to its counterclaim of ₱90,000 or any part thereof.

Let judgment be entered modifying that of the trial court to read as follows:

"The appellant Atlantic, Gulf & Pacific Company of Manila is ordered to pay to the administrator the sum of ₱64,500 upon the retransfer by the latter to the former of the 545 shares of stock purchased by the decedent in 1939.

"The administrator is ordered to pay to the said company the sum of ₱868.67.

"The claim of the company against the estate for ₱63,000 and the counterclaim of the estate against the company for ₱90,000 are disapproved."

It is so ordered, without costs.

Moran, C. J., Parás, Feria, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Judgment modified.

[No. L-2035. August 23, 1949]

ANGELITA V. VILLANUEVA and PABLO C. SANIDAD, petitioners, *vs.* THE DIRECTOR OF POSTS, respondent

BANKS AND BANKING; PHILIPPINE POSTAL SAVINGS BANK; VALIDITY OF DEPOSITS MADE DURING OCCUPATION IN JAPANESE MILITARY NOTES AFTER LIBERATION.—The deposits made during occupation in Japanese military notes with the Philippine Postal Savings Bank, pursuant to the doctrine laid down in the case of Hilado *vs.* De la Costa and Philippine National Bank (G. R. No. L-150, April 30, 1949), are considered invalid and valueless after liberation.

ORIGINAL ACTION in the Supreme Court. Mandamus.

The facts are stated in the opinion of the court.

Pablo C. Sanidad for petitioners.

First Assistant Solicitor General Roberto A. Gianzon and *Solicitor Martiniano P. Vivo* for respondent.

OZAETA, J.:

Before the war the petitioner Angelita V. Villanueva maintained a savings deposit with the Philippine Postal Savings Bank, which as of October 22, 1941, had a balance in her favor of ₱4.60. She made no further deposit in said account until the month of October, 1944. Between the 10th and the 31st of said month she made four deposits totalling ₱5,940.

The Director of Posts refused to recognize the validity of that deposit made during the occupation in Japanese military notes on the ground that it had been declared invalid by Executive Order No. 49, series of 1945.

The petitioner, assisted by her husband, seeks to compel the Director of Posts to recognize the validity of said

deposit, contending that Executive Order No. 49 is unconstitutional in that it deprives her of her property without due process of law.

That question has been resolved by this court adversely to the petitioner in *Hilado vs. De la Costa* and the Philippine National Bank, G. R. No. L-150, April 30, 1949, wherein it was held:

"We are of the considered opinion, and therefore hold, that the provisions of Executive Order No. 49, do not deprive the plaintiff of his property without due process of law or impair the obligation of contract entered into between him and defendant bank; because they are but the logical corollary and application to bank deposits in Japanese war notes of Executive Order No. 25, in so far as it declares that said notes are not legal tender in territories of the Philippine liberated from Japanese occupation, the validity of which is not, and cannot seriously be, questioned.

* * * * *

"It may safely be laid down as a rule that when a deposit is made with a bank or a person of notes made legal tender or currency by the military occupant of an enemy territory, and the occupation does not ripen into a conquest by the occupant because the territory is liberated and reoccupied by its legitimate government, the deposit must be considered as with specification of currency, that is, as a deposit of money made legal tender or currency by the occupant, without necessity of stating it expressly, unless there is evidence to the contrary, because it is the only kind of money or legal currency in circulation after the genuine money of the territory has disappeared from circulation, as in the present case. It should not be understood to be a general deposit without specification of currency, that is, a deposit of lawful money of the legitimate government, and it will have the same effect as if it were made with money that was legal tender or currency of a foreign country having no monetary treaty or agreement with the legitimate government; and therefore if such currency becomes valueless, the depositor shall have to suffer the loss, because the currency so deposited is exactly of the same condition and validity as that kept in the pockets or safe of the depositor."

The petition is denied, without any finding as to costs.

Moran, C. J., Parás, Feria, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Petition denied.

[No. L-1761. August 24, 1949]

In the matter of the petition for Philippine citizenship.
JOSE LEELIN, petitioner and appellee, *vs.* THE REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

1. CITIZENSHIP; APPLICANT'S PROFICIENCY TO A REQUIRED DEGREE IN ENGLISH AND NATIVE DIALECTS; EXTENT OF PROOF.—Applicant's positive assurance coupled with his schooling, his age and parentage, and his having been born in the Philippines and having lived in this country all his life, is more than satisfactory proof of his proficiency to a required degree in English, Tagalog and/or Bicol.

2. ID.; PROOF OF FOREIGN LAW AS TO RECIPROCITY.—The laws of China permit Filipinos to become citizens of that country.

APPEAL from a judgment of the Court of First Instance
of Camarines Sur. Surtida, J.

The facts are stated in the opinion of the court.

*First Assistant Solicitor General Roberto A. Gianzon and
Solicitor Florencio Villamor* for appellant.

Marcelo Y. Garchitorena for appellee.

TUASON, J.:

The Court of First Instance of Camarines Sur pronounced Jose Leelin "entitled to become a Filipino citizen," and ordered the issuance of the corresponding naturalization certificate and its registration in the proper civil registry, as required in section 10 of Act No. 3753. The provincial fiscal appealed and the Solicitor General makes the following assignment of errors:

"I

"The lower court erred in finding that appellee speaks and writes well English, Tagalog and Bicol, and in not finding he had failed to satisfactorily establish that he has this particular qualification prescribed by law.

"II

"The lower court erred in not finding that appellee has failed to establish satisfactorily that the laws of China grant Filipinos the right to become naturalized citizens or subjects thereof and hence, he is disqualified for Philippine citizenship under section 4 (h) of the Revised Naturalization Law.

"III

"The lower court erred in considering Exhibits I and I-1, the same being immaterial, irrelevant and inconsistent with the present petition for naturalization, and, in granting appellee Philippine citizenship."

On the first assigned error, the undisputed evidence shows that the applicant was born on February 9, 1924, in Tigaon, Camarines Sur, of a Filipino mother and a Chinese father, and that he finished high school at Far Eastern University and went through the lower grades in the Tigaon Elementary School. The petitioner testified that he speaks and writes Tagalog, Bicol, English and a little Spanish, adding that the idioms spoken at his home are Tagalog and Bicol. He also has shown that he is a merchant with an invested capital of not less than ₱5,000.

Applicant's positive assurance coupled with his schooling, his age and parentage, and his having been born in the Philippines and having lived in this country all his life, is more than satisfactory proof of his proficiency to a required degree in English, Tagalog and/or Bicol. If the opponent was not convinced by applicant's testimony, he himself could, and should, have subjected the petitioner to a practical test. Only thus could he confirm or dispel his doubts. An "actual demonstration" made at the

instance of petitioner's attorney might be impugned as having been rehearsed.

On the second assigned error, it suffices to say that in previous cases, a translation of the Chinese Naturalization Law, made and certified to be correct by the Chinese Consulate General in Manila, was admitted and considered sufficient evidence to establish that the laws of China permit Filipinos to become citizens of that country.

The foregoing conclusions make superfluous a discussion of the third assignment of error.

The decision of the lower court is affirmed without costs.

Moran, C. J., Ozaeta, Parás, Feria, Bengzon, Padilla, Montemayor, and Reyes, JJ., concur.

Judgment affirmed.

[No. L-1544. August 25, 1949]

F. V. LARRAGA and FLORENTINA ENTEREZO, plaintiffs and appellees, *vs.* EULOGIA B. BAÑEZ ET AL., defendants and appellants.

OBLIGATIONS AND CONTRACTS; VALIDITY OF PAYMENTS IN JAPANESE MILITARY NOTES MADE DURING OCCUPATION.—Payments of pre-war obligations made in Japanese Military notes during occupation is valid and extinguished the debts to the full extent of the amount therein paid, (*Haw Pia vs. China Banking Corporation*, 45 Off. Gaz. [Supp. to No. 9], 229 and that there was no collective and general duress exercised by the enemy to that effect. (*Philippine Trust Company vs. Araneta*, G. R. No. L-2734, March 17, 1949.)

APPEAL from a judgment of the Court of First Instance of Leyte. Concepcion, J.

The facts are stated in the opinion of the court.

Antonio Montilla for appellants.

Mateo Canonoy for appellees.

PARÁS, J.:

On November 26, 1941, the defendants obtained a loan of ₱5,000 from the plaintiffs, payable within three years with interest at the rate of ten per cent per annum, and to secure the same the defendants executed a mortgage in favor of the plaintiffs over a lot situated in Tacloban, Leyte. On April 18, 1944, the defendants paid to the plaintiffs in Japanese military notes the principal of ₱5,000, plus ₱1,352.50 as interest. In virtue of this payment, the plaintiffs executed an instrument releasing the mortgage.

On February 13, 1945, the plaintiffs filed in the Court of First Instance of Leyte a complaint against the defendants alleging that the plaintiffs were compelled to

accept the payment tendered by the defendants merely in obedience to the instructions of the Japanese military authorities and to avoid the possible punishment that a refusal to accept might bring about, and praying that said payment and the instrument of release executed by the plaintiffs on April 18, 1944, be declared null and void. After answer by the defendants and trial, the Court of First Instance of Leyte rendered judgment holding that the defendants had made a valid tender of payment which the plaintiffs were bound to accept, regardless of their apprehension as to the consequences of their refusal; that the payment of ₱5,000 in Japanese money on April 18, 1944, was valid only to the extent of one-third of its value in Philippine peso; that the interest on the loan was fully paid; that the cancellation of the mortgage was valid only in so far as one-third of ₱5,000 is concerned, said mortgage being subsisting as to the unpaid balance of ₱3,333.33½. The judgment accordingly sentenced the defendants to pay to the plaintiffs the sum of ₱3,333.33½ after the debt moratorium shall have been duly lifted, and ordered that, upon default on the part of the defendants, the mortgage be foreclosed. From this judgment the defendants have appealed.

The lower court is correct in holding that the payment tendered by the defendants and accepted by the plaintiffs was valid, but it erred in holding that said payment was valid only to the extent of one-third of the indebtedness. In the case of *Haw Pia vs. China Banking Corporation*, 45 Off. Gaz. (Supp. to No. 9), 229, we have already made the pronouncement that the military occupant, in the exercise of its governmental power, has the right to issue military currency as legal tender, and that whatever might have been the intrinsic or extrinsic worth of the Japanese war notes is of no consequence, said war notes having been issued as legal tender at par with the Philippine peso. Accordingly, the payment made by the defendants in the amount of ₱5,000 must be considered as having satisfied the full indebtedness of the defendants amounting to ₱5,000.

In view of this conclusion, it follows that the mortgage executed by the defendants to secure said indebtedness had ceased to be in force, the principal obligation having been paid up. It is therefore immaterial whether the deed of cancellation executed by the plaintiffs was tainted with reluctance on their part. At any rate, in the case of *Philippine Trust Company vs. Araneta*, G. R. No. L-2734, decided on March 17, 1949, it has been ruled in effect that there was no collective and general duress exercised by the Japanese military occupant in ordering that war notes might be used in making payments of all kinds and that any attempt to interfere with the circulation of said

notes, such as rejection of payment with said notes, would be considered hostile and punished severely.

Wherefore, the appealed judgment is hereby reversed and the defendants are absolved from the complaint, with costs against the plaintiffs and appellees. So ordered.

Moran, C. J., Ozaeta, Feria, Montemayor, and Reyes, JJ., concur.

Bengzon, J., concurs in the result.

TUASON, J., concurring:

I concur in the result. This concurrence is based on the fact that the plaintiffs have not proved that they were coerced into accepting the payment. Having accepted the payment voluntarily, the plaintiffs are estopped to repudiate it.

PADILLA, J.:

I join Mr. Justice Tuason in his opinion.

Judgment reversed; defendants absolved.

[No. L-2766. August 25, 1949]

PABLO ROBATON Y PASTRANA, petitioner, vs. THE DIRECTOR OF PRISONS, respondent

HABEAS CORPUS; JUDGMENT OF CONVICTION RENDERED DURING ENEMY OCCUPATION WHICH HAD NO POLITICAL COMPLEXION, VALIDITY OF.—Sentences rendered by regular courts during the enemy occupation for crimes which had no political complexion did not become invalid after liberation.

ORIGINAL ACTION in the Supreme Court. **Habeas Corpus.**

The facts are stated in the opinion of the court.

Visitacion Buena-Robaton for petitioner.

Assistant Solicitor General Ruperto Kapunan, Jr. for respondent.

REYES, J.:

For stealing personal property from a private party, petitioner was, on November 23, 1943, convicted of theft by the Court of First Instance of Manila and sentenced to an indeterminate penalty of from 6 months of *arresto mayor* to 1 year, 8 months and 21 days of *prisión correccional*. Though he commenced to serve this sentence on the following day, petitioner later evaded it by escaping from prison on March 16, 1944. He was, however, recaptured and turned over to the Bureau of Prisons on May 22, 1948.

Petitioner now asks for a writ of habeas corpus, contending that the sentence rendered against him during the Japanese occupation is no longer valid, invoking in

support of this contention the decision of this Court in *Peralta vs. Director of Prisons*, 42 Off. Gaz., 198 and a proclamation of General MacArthur nullifying certain acts of the Government during said occupation.

The petition is without merit. Petitioner was sentenced for committing an act penalized by the territorial law (the Revised Penal Code) as a crime against the legitimate government. The crime had no political complexion. It was "one that would have been punished any time, anywhere." Petitioner was convicted of that crime by one of the regular courts. Under our ruling in such cases, the sentence, though rendered during the enemy occupation, did not become invalid thereafter. (*Guinto vs. Director of Prisons*, 45 Off. Gaz., 2890; *Landicho vs. Superintendent, G. R. No. L-1498*; *Montebon vs. Director of Prisons*, 44 Off. Gaz., p. 3312.)

The decision in *Peralta vs. Director of Prisons* has no application here, because there the accused was convicted of an offense which had political complexion, an offense taken out of the territorial law and placed under the punitive sanction of an Ordinance promulgated by the puppet government for the protection of the army of occupation.

The petition for habeas corpus is therefore denied, without special pronouncement as to costs. So ordered.

Moran, C. J., Ozaeta, Parás, Feria, Bengzon, Padilla, Tuason, and Montemayor, JJ., concur.

Petition denied.

[No. L-2828. August 25, 1949]

JOAQUIN GOZUN and CARMEN VICENCIO, petitioners, *vs.* THE REPUBLIC OF THE PHILIPPINES and THE AUDITOR GENERAL, respondents.

CONTRACTS; AGREEMENT AS TO AMOUNT OF LIQUIDATED DAMAGES; ESTOPPEL TO CLAIM INTEREST.—A party to a contract who unqualifiedly and unconditionally accepts the settlement of his claim for damages without reservation as to interest or any other further claim from the other party, is estopped from claiming interest thereafter.

PETITION to review a decision of the Auditor General.

The facts are stated in the opinion of the court.

Artemio C. Macalino and Pedro S. David for petitioners.

Assistant Solicitor General Francisco Carreon and *Solicitor Antonio A. Torres* for respondents.

OZAETA, J.:

By way of petition for review, the petitioners appeal from a decision of the Auditor General denying their claim against the Government for the sum of ₱21,924, arising from the following facts:

In December, 1940, negotiations were begun between the Government and the petitioners for the use and occupancy by the former of a strip of land belonging to the latter, containing an area of 60.90 hectares, which the Government needed to construct and maintain a public dyke from the Pampanga River, municipality of Arayat, to the Candaba Swamp, municipality of Candaba, Province of Pampanga. For such use and occupancy of the land the Government offered to pay the petitioners the assessed value, or ₱500 per hectare, while the petitioners asked for ₱1,000 per hectare. The war subsequently broke out without the parties' having reached a final agreement. In the meantime the Government went ahead with its project and took possession of the land. After the liberation the negotiations to fix the price were resumed, and the parties finally reached an agreement which was embodied in a public document entitled "Channel and Dyke Right-of-Way Agreement," dated December 31, 1946, whereby the Government paid to the petitioners, and the latter accepted, ₱60,900 "as damages for the use and occupancy" of the land hereinabove mentioned. In other words, the Government finally agreed to pay the price of ₱1,000 per hectare originally asked by the petitioners, and the latter accepted it although they had sought to raise the price to ₱1,500 per hectare on the ground that the land had increased in value since 1940.

After receiving payment of the said sum of ₱60,900 from the Government, the petitioners filed the present claim for ₱21,924 as interest on the said sum of ₱60,900 for six years at the legal rate of 6% per annum. The Auditor General denied said claim on two grounds: first, that the sum of ₱60,900 was, according to the agreement above mentioned, in payment of the full compensation for the use and occupancy of the land, including whatever damages might have been sustained by the petitioners incident to such use and occupancy; and, second, that under the law the Government is not liable to pay interest unless it expressly engages to do so.

The petitioners' appeal is grounded on the argument that to all intents and purposes the Government expropriated and took possession of the land in December, 1940, and that since it did not pay the price until January, 1947, it should pay interest on that price during the intervening period of six years. That, we think, is not a valid argument.

In the first place, the premise is wrong. There was no expropriation or condemnation proceeding. What there was, was a voluntary agreement between the parties whereby the claim of the petitioners for damages arising from the perpetual use and occupancy of their land by the Government was fully liquidated as of December 31, 1946,

without any reservation as to interest or any other further claim by the petitioners against the Government.

In the second place, even if the premise were correct, the conclusion sought to be drawn would not necessarily be so. Even if we should by analogy consider the Government's taking possession of the land in 1940 as equivalent to taking possession of it through a condemnation proceeding, and the agreement between the parties for the payment of ₱60,900 as equivalent to a judgment in an expropriation proceeding, it would not follow that the Government is liable to pay interest on said sum. It would be liable to pay interest only if the judgment expressly so provided. No such provision was made in the agreement.

We hold that the petitioners are estopped from claiming interest by their unqualified and unconditional acceptance of the settlement of their claim as embodied in the Right-of-Way Agreement of December 31, 1946.

The decision of the Auditor General is affirmed, with costs.

Moran, C. J., Parás, Feria, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Petition denied.

[No. L-2872. August 26, 1949]

INTERNATIONAL HARVESTER COMPANY OF THE PHILIPPINES, petitioner and appellee, *vs.* CRISANTO ARAGON, Judge of Municipal Court of Manila, and YARAS & COMPANY, FAR EAST, respondents and appellants.

1. ADMIRALTY; JURISDICTION; MARITIME CONTRACTS.—Admiralty has jurisdiction over all maritime contracts, in whatever form, wherever they were executed or are to be performed, but not over non-maritime contracts.
2. ID.; ID.; MARITIME CONTRACTS DEPEND ON THE SUBJECT MATTER THEREOF.—Whether or not a contract is maritime depends not on the place where the contract is made and is to be executed, making the locality the test, but on the subject matter of the contract, making the true criterion a maritime service or a maritime transaction.
3. ID.; ID.; CONTRACT OF AFFREIGHTMENT; PROCEEDING "IN REM" OR "IN PERSONAM."—Admiralty has jurisdiction of a proceeding *in rem* or *in personam* for the breach of a contract of affreightment, whether evidenced by a bill of lading or a charter party. And typical of a controversy over contracts of affreightment is a suit of one party against the other for loss of or damage to the cargo.
4. PROHIBITION; COURTS; JURISDICTION; JUSTICE OF THE PEACE COURTS HAVE NO JURISDICTION IN ADMIRALTY CASES.—Cases in admiralty fall within the original jurisdiction of the Courts of First Instance to which the jurisdiction of the justice of the peace courts does not extend and if the latter courts take cognizance of such cases, they may be restrained by the writ of prohibition.

APPEAL from a judgment of the Court of First Instance of Manila. Sanchez, J.

The facts are stated in the opinion of the court.

Roxas, Picazo & Mejia for appellants.

Ross, Selph, Carrascoso & Janda for appellee.

PARÁS, J.:

On July 9, 1947, the respondent-appellant, Yaras & Company, Far East, filed a complaint in the Municipal Court of Manila (civil case No. IV-262) against the Manila Terminal Co., Inc., and International Harvester Company of the Philippines. The complaint alleges that the defendant Manila Terminal Co., Inc., is in charge of the custody and delivery to the respective owners of cargoes discharged at the Government piers in the City of Manila; that the defendant International Harvester Company of the Philippines is the agent in the Philippines of the vessel *Belle of the Sea*; that on September 27, 1946, the *Belle of the Sea* took on board at Los Angeles, California, U. S. A., goods for shipment to Manila, Philippines, and covered by Bill of Lading No. 105; that the *Belle of the Sea* arrived in Manila on December 23, 1946, and discharged her cargo at the Government piers under the supervision and custody of the defendant Manila Terminal Co., Inc.; that out of the goods covered by Bill of Lading No. 105, one carton of assorted samples with a stipulated value of ₱200 was not delivered to Yaras & Company; and said merchandise was lost through the negligence either of the Manila Terminal Co., Inc., or of the International Harvester Company of the Philippines. The complaint prayed for judgment either against the defendant Manila Terminal Co., Inc., or the International Harvester Company of the Philippines for the amount of ₱200, with legal interest from the date of the filing of the complaint.

Before the trial could be proceeded with, the International Harvester Company of the Philippines filed a motion to dismiss, on the ground that the Municipal Court of Manila had no jurisdiction to try the case because the action involves admiralty or maritime jurisdiction, which motion was overruled by the municipal court on December 16, 1947. In due time, the International Harvester Company of the Philippines filed in the Court of First Instance of Manila a petition for prohibition (civil case No. 4328) against the Hon. Crisanto Aragon, Judge of the Municipal Court of Manila, and Yaras & Company, Far East, for the purpose of restraining said respondent judge from proceeding with civil case No. IV-262 in so far as the International Harvester Company of the Philippines was concerned, on the ground that admiralty or maritime jurisdiction is involved. After trial, the Court of First Instance of Manila rendered judgment in favor of the petitioners. Inter-

national Harvester Company of the Philippines, ordering the respondent judge of the municipal court to desist from taking cognizance of civil case No. IV-262 as against the International Harvester Company of the Philippines. From this judgment the respondents have appealed.

From the facts alleged in the complaint filed in the municipal court, it is clear that the International Harvester Company of the Philippines, as agent in the Philippines of the vessel *Belle of the Sea*, is alternatively being held liable for the loss of the cargo in question through its negligence. Inasmuch as it is expressly alleged that the cargo of the *Belle of the Sea* was discharged on December 23, 1946, at the Government piers under the supervision and custody of the Manila Terminal Company, Inc., the International Harvester Company of the Philippines may be held liable only on the assumption that the goods had been lost in transit or before being discharged at the pier. In other words, the liability of the International Harvester Company of the Philippines is predicated on the contract of carriage by sea between the International Harvester Company of the Philippines and Yaras & Company as evidenced by Bill of Lading No. 105, independently of the liability of the Manila Terminal Co., Inc., as operator of an arrastre service.

Admiralty has jurisdiction over all maritime contracts, in whatever form, wherever they were executed or are to be performed, but not over non-maritime contracts. (2 *Corpus Juris Secundum*, p. 84.) Whether or not a contract is maritime depends not on the place where the contract is made and is to be executed, making the locality the test, but on the subject-matter of the contract, making the true criterion a maritime service or a maritime transaction. (*Id.*, p. 85.) Specifically, admiralty has jurisdiction of a proceeding *in rem* or *in personam* for the breach of a contract of affreightment, whether evidenced by a bill of lading or a charter party. (*Id.*, pp. 90-91.) And typical of a controversy over contracts of affreightment is a suit of one party against the other for loss of or damage to the cargo. (1 *American Jurisprudence*, p. 567.) This is the very case now before us, because the respondent Yaras & Company seeks to recover from the petitioner International Harvester Company of the Philippines the value of a certain lost cargo.

The contention of the respondent Yaras & Company that admiralty jurisdiction is not involved herein because the contract in question was made upon land and to be terminated upon land, merely reflects the English rule which had long been rejected in the United States. It is now settled in the latter country that "the jurisdiction of admiralty in matters of contract depends upon the subject-matter, *i. e.*, the nature and character of the contract, and that the

English rule which conceded jurisdiction (with few exceptions) only to contracts made upon and to be performed upon navigable waters, is inadmissible, the true criterion being that the contract has reference to maritime service or maritime transaction." (Benedict on Admiralty, 6th Ed., Vol. 1, p. 127.) We choose to adopt the sound American rule. Even in England the English rule was not without protest. Lord Kenyon, in *Menetone vs. Gibbons*, 3 Term, 269, had expressed the following criticism: "If the admiralty has jurisdiction over the subject-matter, to say that it is necessary for the parties to go upon the sea to execute the instrument borders upon absurdity."

The respondent Yaras & Company cannot invoke the rule against multiplicity of suits, for the simple reason that said rule has to be subservient to the superior requirement that the court must have jurisdiction. In view of our conclusion that the cause of action of said respondent against International Harvester Company of the Philippines involves admiralty over which the courts of first instance have original jurisdiction (par. 4, sec. 56, Act No. 136 of the Philippine Commission, as reproduced in sec. 43 [d] of Republic Act No. 296), and to which the jurisdiction of the justice of the peace courts (including municipal courts) does not extend (sec. 68, Act No. 136 of the Philippine Commission, as amended by Commonwealth Act No. 4090, reproduced in par. 2, sec. 88, Republic Act No. 296), the respondent judge was properly restrained from further proceeding with civil case No. IV-262.

We hold also that prohibition is the proper remedy, since the respondent judge was taking cognizance of the case over which he had no jurisdiction and his order overruling the motion to dismiss filed by the petitioner-appellee is interlocutory and therefore not appealable. (Rules of Court, No. 67, sec. 2.) At any rate, the remedy of appeal available when the case shall have been decided on the merits, is inadequate.

The appealed judgment is therefore affirmed, with costs against the appellant Yaras & Company. So ordered.

Moran, C. J., Ozaeta, Feria, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Judgment affirmed.

[No. L-1617. August 29, 1949]

PANFILO B. MORALES and ENCARNACION F. MORALES, petitioners, *vs.* OSCAR VENTANILLA and EUFEMIA CRUZ, respondents.

"**ACTO DE RETRO**" SALE; FINALLY OF FINDINGS OF FACT OF THE COURT OF APPEALS.—The conclusions of the intermediate tribunal that a document clearly denotes a contract of sale with

right to repurchase and that the facts proven do not indicate the contracting parties intended a mortgage instead of a sale, will not be disturbed by the Supreme Court.

PETITION to review on certiorari a decision of the Court of Appeals.

The facts are stated in the opinion of the court.

V. M. Ruiz for petitioners.

Alfonso G. Espinosa for respondents.

BENGZON, J.:

This is a review of the decision of the Court of Appeals dated July 12, 1947. The question at issue is whether the document Exhibit A represents a true *pacto de retro* sale, or as petitioners contend, a mere mortgage of realty. Said document reads as follows:

"SALE WITH RIGHT OF REPURCHASE

"KNOW ALL MEN BY THESE PRESENTS:

"That I, Panfilo B. Morales, of legal age, married to Encarnacion N. Frias, Filipino and resident of Cabanatuan, Nueva Ecija, Philippines, for and in consideration of the sum of One thousand six hundred pesos (₱1,600), Philippine currency, to me paid in hand this very moment and received by me to my full and entire satisfaction from the spouses Oscar Ventanilla and Eufemia Cruz, of legal age, Filipino, and residents of Cabanatuan, Nueva Ecija, Philippines, by these presents, do hereby sell, cede, convey and transfer, by way of sale with right of repurchase unto the said spouses Oscar Ventanilla and Eufemia Cruz, their heirs, assigns and successors, the parcel of land, the area and boundaries of which are as follows:

"Residential land designated as lot No. 13

*** * * * *

"Dwelling house erected on lot No. 13, consisting of two stories all occupied by me; with wooden posts, wooden walls, floors and galvanized iron roofings. The area is ten meters wide and 14 meters long, more or less. This house is declared under tax No. 24753 and assessed at ₱2,500.

"The conditions of this sale with right of repurchase are (1) if I shall pay unto the said spouses Oscar Ventanilla and Eufemia Cruz, the said sum of ₱1,600 on or before April 24, 1941, then this sale will automatically become null and void and a resale in my favor will be executed; otherwise, this document shall have the character of absolute sale; (2) that during the period of repurchase I will remain in possession of the above mentioned properties; (3) that I bind myself to pay all taxes to be due in favor of the Government and until now these properties are free from all liens and incumbrances.

"In witness whereof, I have hereunto set my hand at Cabanatuan, Nueva Ecija, this 24th day of April, 1940.

"PANFILO B. MORALES

*** * * * * * *

Sometime in the month of April, 1940, said the Court of Appeals, "the plaintiff Panfilo B. Morales, resident of Cabanatuan, Nueva Ecija, being indebted to the Philippine National Bank and having mortgaged his properties, was

in imminent danger of losing the same, described in transfer certificate of title No. 11768. Due to the intent of the bank to foreclose, he approached the defendant Oscar Ventanilla for a loan in order to satisfy his debt with the bank. It seems that the latter was not conformable to grant a loan, but that he was willing to buy the properties of the plaintiff under a sale with right of repurchase. Under these circumstances, and because of the insistence of defendant Ventanilla that plaintiff Morales execute a deed of sale in his favor, they went to Notary Public Herminio Algas of the municipality of Cabanatuan and to the latter they explained their necessity, after which, defendant Ventanilla left while plaintiff Morales waited for the document to be drafted. Upon completion of the document, which now appears as Exhibit A, the plaintiff Morales signed and acknowledged before the notary public the deed.

"At maturity, which was on April 24, 1941, the plaintiff failed to redeem the properties sold by him, but on July 7 of the same year, Morales wrote the defendant Ventanilla for the purpose of asking for an extension of another year (Exhibit 2), which request was granted. Upon the second maturity, that is, on April 24, 1942, the plaintiff again requested for another year, which was also granted, the request and approval for this extension being verbal. It appears subsequently that upon the third maturity on April 24, 1943, no attempt was made nor offer extended by the plaintiff Morales to repay the price for which reason, on July 7, 1943 the defendant Ventanilla, through his attorney, Ricardo Castelo, advised the plaintiff that it was the intention of the defendant to consolidate ownership in the properties and granted the plaintiff one month grace from said date, July 7 (1943); within which to return the purchase price * * * on August 14, 1943, the plaintiffs consolidated their ownership and certificate of title No. 19457 was issued in the name of the defendants. The plaintiffs having learned of the issuance of the certificate of title in favor of the defendants, immediately commenced this suit."

The suit was heard in the Court of First Instance of Nueva Ecija. There the plaintiffs asserted that their contract with Ventanilla was a mortgage, and they asked that title in their names be reissued, and that defendants be required to accept repayment of the loan, and to return usurious interests reportedly received.

After hearing the parties the Honorable Quintin Paredes, Jr., Judge, declared that the transaction was a sale of property with right to repurchase, and, consequently, dismissed the suit. The Court of Appeals confirmed his ruling.

Petitioners insist here that the contract should be declared an equitable mortgage, because:

(1) The price of ₱1,600 appearing in Exhibit A is inadequate;

(2) The petitioners were financially embarrassed and applied for a loan to respondents;

(3) Petitioners assumed the obligation of paying all taxes on the properties;

(4) Petitioners remained in possession of the properties even after the period of redemption; and

(5) Petitioners have been and are still renting to other persons, the first floor of the building and a portion of the second floor, and the rents collected accrue to their benefit.

As to the first point "the property was assessed" said Mr. Justice Felix "at ₱2,500, and though we believe that the price of ₱1,600 is quite low, appellees may retort that they graciously extended the period of repurchase for more than two years"; and anyway, he reflected, the disparity between the price and the market value was not so striking, because in 1943 the petitioners could not raise on the property ₱1,600 in "mickey mouse" money (Japanese fiat money) to effect its repurchase. At any rate mere inadequacy of price is immaterial. It is only where the purchase price is *grossly* inadequate that the point becomes important.¹

The second point was not unnoticed. Precisely, the two courts found that, because petitioners needed money, and respondents did not want to lend, a sale was consummated. Both tribunals concluded most logically, that, in their hour of need the owners of the land, unable to obtain a loan, agreed to a *pacto de retro*.

The third and fourth points were likewise considered by the appellate court. It opined that as the contracting parties were free to stipulate, they probably agreed that petitioners were to retain possession of the property in return for the payment by them of all taxes due to the Government.

As to the fifth point nothing is said by the Court of Appeals. Perhaps it is merely a consequence of the third and the fourth. They are not necessarily inconsistent with a veritable *pacto de retro* sale.

One circumstance which obviously led the Court of Appeals to hold that the written contract expressed the intention of the parties is the fact that petitioner Panfilo B. Morales is an experienced lawyer and a former justice of the peace, whose letter Exhibit 5 of July 7, 1941 referred to their transaction as a sale with the right to repurchase. The court went further, finding specifically that there is no evidence " * * * other than the uncorroborated and unreliable statement of Panfilo B. Morales, to establish

that appellee ever demanded or received from him any interests, usurious or otherwise, and he cannot so easily come out of the ditch he fell into flippantly quoting from *People vs. Banguis* (G. R. No. 5765-Jan 31, 1941), that 'in usurious transactions, the usurer not only takes advantage of legal means to conceal his usurious business, but also avoid the issuance of receipts or other papers that would reveal the existence of such illegal transactions'."

In a recent decision of May 30, 1949,² involving the identical question whether a plain document of sale with *pacto de retro* was in fact a mortgage, we laid down these propositions:

"* * * it is seriously to be doubted whether we could reverse the conclusion of the appellate court to the effect that those facts and circumstances are not 'enough evidence' to show clearly and beyond doubt that the parties intended the contract to be a mortgage instead of a conditional conveyance. That conclusion is obviously one of fact, * * *.

"In conclusion, the Court of Appeals having declared that according to the evidence the instrument reflects the true agreement and intention of the parties, we will not examine that same evidence nor declare that it does not."

Now, inasmuch as the document Exhibit A clearly denotes a contract of sale with right to repurchase, and inasmuch as the Court of Appeals has in effect declared that the findings of the trial judge and the facts proven do not indicate that the contracting parties intended a mortgage instead of a sale, we must, applying our policy, decline to interfere with the conclusions of fact of the intermediate tribunal, whose decision will consequently be affirmed, with costs against petitioners. So ordered.

Moran, C. J., Ozaeta, Feria, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Petition denied.

[No. L-1442. August 30, 1949]

MIGUEL R. MATEO, petitioner, *vs.* THE PUBLIC SERVICE COMMISSION and MANUEL BORJA, respondents

PUBLIC SERVICE; OPERATOR'S APPLICATION FOR ADDITIONAL EQUIPMENT, TRIPS AND EXTENSION OF LINE OF SERVICE GRANTED.—When the surrounding circumstances demand, and it would promote the convenience of traveling public, the application of an operator for additional equipments, trips and extension of line of service, will properly be granted.

PETITION to review a decision of the Public Service Commission.

The facts are stated in the opinion of the court.

Roman A. Cruz for petitioner.

Santos & Santos and David S. Ignacio for respondents.

PARÁS, J.:

The respondent Manuel Borja is an operator of a transportation service between Dampalit (Malabon, Rizal) and Divisoria (City of Manila) by virtue of an emergency certificate of public convenience. He filed an application with the Public Service Commission for authority to add to his equipment four more buses, to make additional trips, and to extend his line from Malabon to Santa Cruz, Manila. The petitioner Miguel R. Mateo and the Pasay Transportation Company opposed the application. After hearing, the Public Service Commission granted the application, subject to the conditions set forth in the decision. This is sought to be reversed by the petitioner Miguel R. Mateo.

After examining the record we are convinced that there is ample evidence to support the appealed decision. We have no doubt that the application of respondent Manuel Borja would promote the convenience of travelling public on the line in question, it appearing that (1) while the petitioner Miguel R. Mateo had before the war 51 buses, actually he is operating only 17 buses; (2) while before the war about 600 carretelas were operating on the line in question, there is now only an insignificant number of said means of travel; (3) the street car service maintained by the Manila Electric Company before the war, is no longer in existence; (4) the population of Malabon has increased from less than 20,000 before the war, to nearly 40,000 at present; (5) as a matter of fact, the petitioner Miguel R. Mateo is himself desirous of adding to his present equipment five more units.

Wherefore, the decision of the Public Service Commission is affirmed, and it is so ordered with costs against the petitioner.

Moran, C. J., Ozaeta, Feria, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Judgment affirmed.

[No. L-1485. August 30, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee,
vs. PABLO DESLATE, defendant and appellant

CRIMINAL LAW; TREASON; APPELLANT'S ACTIVE PARTICIPATION AS MEMBER OF CDC IN COMMITTING ATROCITIES ON GUERRILLAS.—Appellant's active participation as a member of the CDC in committing atrocities on the persons of guerrilla suspects and his failure to explain why he remained in the said CDC for more than one year, notwithstanding his many opportunities to escape, constitute clear adherence and aid to the enemy as treasonable acts.

APPEAL from a judgment of the People's Court.

The facts are stated in the opinion of the court.

Vicente Castronuevo, Jr. for appellant.
Assistant Solicitor General Manuel P. Barcelona for appellee.

BENGZON, J.:

Found guilty of treason and sentenced to life imprisonment plus fine of ₱10,000, Pablo Deslate, a Filipino citizen, appealed the decision of the People's Court.

The evidence of record proves beyond doubt, in accordance with the two-witness rule required in treason cases, that early in the morning of March 31, 1944, the appellant, armed with revolver and rifle, awakened the inmates of a house in Leon, Iloilo, namely, Alejandro Calaliman and his wife Primitiva Cabaluna and the spouses Jaime and Modesta Cabaluna. He investigated them as to the guerrilla connections of Alejandro and Jaime and later took them to the Japanese garrison located in the town church, at about 100 meters from the house. In the garrison, Alejandro and Primitiva were confined in one room and the other couple in another. A Japanese captain, with the help of several Japanese and two soldiers of the CDC (Coastal Defense Corps),¹ one of them the appellant, investigated Alejandro and Primitiva. The investigation started with appellant giving Alejandro a blow in the stomach and telling him to admit he was a guerrilla and had a revolver. Alejandro denied the imputations. Appellant punched him again in the stomach. The Japanese captain beat him with a piece of wood in different parts of the body. Primitiva was also questioned about her husband's connection with the guerrilla. For giving negative answers she was likewise maltreated by the Japanese captain and by the defendant. The investigators later went to the room where Jaime and Modesta were confined. Alejandro and Primitiva heard Jaime's screams and defendant's loud voice calling Jaime and his wife liars. They also heard the sound of beatings and Modesta's desperate cry protesting against the corporal punishment. At about two o'clock, Alejandro and Primitiva were allowed to go home. On their way out they saw Jaime Cabaluna stretched on the floor face down and motionless, blood oozing from his head. Jaime and Modesta were never heard of again.

It was also proved that at about six o'clock in the morning of March 31, 1944, Dominador Camasuela, a guerrilla suspect, was arrested by appellant and four Japanese. All of them, after maltreating him, brought him to the Japanese garrison where he was seen by Alejandro and Primitiva Cabaluna being questioned and given blows on the stomach by appellant to force him to surrender his pistol. Not satisfied with the investigation of Dominador,

¹ A military organization established by the Japanese army to

the Japanese soldiers took his younger brother Salustiano, who was likewise maltreated by the investigators including defendant in the same garrison. Salustiano never saw his brother Dominador again.

There is also evidence to the effect that on May 2, 1944, defendant and several Japanese soldiers arrested Angel Cantara, Julita Calanuga and Federico Cabino, in connection with the alleged disappearance of a CDC member. They were brought to the Japanese garrison, tortured and investigated. Federico and Julita were never heard of since then. According to defendant himself, Federico Cabino was killed in the belfry by a Japanese sergeant upon orders of a Japanese captain, whereas Julita Calanuga together with one Gregorio Caluyo was liquidated the following morning. Angel Cantara was interrogated by defendant, tortured, and later released with orders to search for Macario, a member of the CDC who had disappeared.

There is also enough evidence to show that appellant and ten Japanese soldiers arrested Juan Cabalsin in Leon, Iloilo, charged as guerrilla and as one of those responsible for the kidnapping of CDC Macario Albia. Cabalsin was maltreated by two Japanese soldiers upon indication of defendant, but after two hours was released by the Japanese captain on condition that he should try to find the kidnapped CDC and bring his sister to the garrison as hostage.

Appellant tried to show that, although he joined as a member of the CDC, he did it involuntarily. This is unconvincing. He failed to explain why he remained in the organization for more than one year, notwithstanding his many opportunities to escape.

Finding no merit in this appeal and the penalty imposed being in accordance with law, we hereby affirm the decision of the court below, with costs. So ordered.

Moran, C. J., Ozaeta, Parás Feria, Padilla, Tuason, Montemayor, Reyes, and Torres, JJ., concur.

Judgment affirmed.

[No. L-1542. August 30, 1949]

JOSE CRISTOBAL, petitioner, *vs.* THE PEOPLE OF THE PHILIPINES, respondent

1. CRIMINAL LAW; THEFT; COURT OF APPEALS, FINDINGS OF FACT, CONCLUSIVENESS.—The findings of facts of the Court of Appeals are final and conclusive upon the Supreme Court and generally the latter court is not empowered to review and reverse it.

2. ID.; ID.; ACCESSORY AFTER FACT; DISPOSAL OF A THING AFTER KNOWING IT WAS STOLEN.—Under the facts proved in this case the appellant had disposed or claimed to have disposed of the ring after he had been informed by the offended party

that her son had stolen it from her. He is, therefore, guilty as accessory to the crime of theft.

3. **ID.; ID.; ACCESSORIES, DEFINED.**—Accessories as defined in article 19 of the Revised Penal Code are those who, having knowledge of the commission of the crime, and without having participated therein, either as principals or accomplices, take part subsequent to its commission by profiting themselves or assisting the offenders to profit by the effects of the crime.
4. **CRIMINAL PROCEDURE, RULES OF; DOUBLE JEOPARDY; DISMISSAL FOR LACK OF JURISDICTION.**—When the dismissal of a criminal case is based on lack of jurisdiction, it does not constitute a bar to the prosecution of the offense in the proper court.

PETITION for review on certiorari a decision of the Court of Appeals.

The facts are stated in the opinion of the court.

Leandro C. Sevilla and Ramon C. Aquino for petitioner.
First Assistant Solicitor General Roberto A. Gianzon and
Solicitor Augusto M. Luciano for respondent.

OZAETA, J.:

Accused as accessory to the crime of theft, together with one Jose Martinez as principal, as to whom the case was subsequently dismissed upon petition of the fiscal for lack of sufficient evidence, Jose Cristobal was convicted by the Court of First Instance of Manila and sentenced to suffer three years, six months, and twenty-one days of *destierro*, to indemnify Carmen M. de Caro in the sum of ₱3,000, with the corresponding subsidiary *destierro* in case of insolvency, and to pay the costs. The Court of Appeals affirmed that sentence with the only modification that the indemnity was reduced to ₱2,000. The case is now before us on certiorari to review that sentence of the Court of Appeals.

The facts as found by the Court of Appeals are as follows:

"The evidence shows that sometime in the early part of April, 1945, Mrs. Carmen M. de Caro discovered that her diamond ring which she had kept in a handbag under her mattress had been stolen. Suspicion fell upon her 20-year old son, Rolando Caro, who had disappeared from the house and, according to some friends, had tried to sell a diamond ring to a certain family. Questioned about the matter, Rolando confessed to the theft and further revealed that he had sold the ring to the appellant Jose Cristobal, a silversmith in the City of Manila, for ₱800 a part of which he spent and the rest he lost. Seen at his shop by Mrs. Caro and her lawyer, appellant admitted having bought the ring from Rolando for the sum above named and, upon Mrs. Caro's supplication, agreed to let her redeem it for the same amount without any profit. But Mrs. Caro was for some time unable to raise the necessary sum, and when at last he found someone who was willing to advance the money, appellant could not let her have the ring because, according to him, the same had already been sold by his agent for ₱1,200. But neither he nor the agent could name the person to whom the ring was said to have been sold. And it is significant that when Mrs. Caro asked for the agent's address,

"As the ring was never recovered, its owner complained to the authorities with the result that appellant was prosecuted for the crime of theft as an accessory after the fact.

"* * * * *

"Appellant would have the court believe that he disposed of the ring without knowledge that the same had been stolen, alleging that the owner did not inform him of that fact. But the evidence is against him on this point, for the lawyer who accompanied Mrs. Caro to appellant's shop testified that after she had identified the ring which was shown her as her own she immediately told appellant 'that the ring was of much value to her because it was a souvenir from her mother and that it was stolen from her by her son.' That this information was really imparted to appellant thus making him aware of the illegal source of the ring which he had bought, is confirmed by the fact that he immediately expressed his willingness to let Mrs. Caro get back the property for the same amount that he had paid for it without any profit.

"Appellant also testified in effect that while he had agreed to allow Mrs. Caro to redeem the ring, it was with the understanding that she would have only one week in which to do it, after which the ring would be sold. But not only is this testimony denied by Mrs. Caro and her lawyer, but it is also unlikely that those two would enter into such an understanding, for appellant would have no right to sell the ring once he was informed that it had been stolen. This part of appellant's testimony is therefore not to be believed.

"* * * * *

"There is something, however, to appellant's contention that the trial court has not correctly valued the stolen ring, whose appraisal at ₱3,000 has nothing to support it except the owner's testimony to the effect that she had turned down an offer for that amount before the war. According to appellant's uncontradicted declaration, the diamond ring had only 1½ carats and before the war a carat cost only about ₱120. The value of diamonds, however, must have gone up after the war because appellant actually paid ₱800 for the ring and he himself said that it was resold for ₱1,200. Obviously the value of the stolen ring should not be set at less than the last named sum for the purposes of this case. And reducing the valuation to that sum would not result in the reduction of the duration of the *destierro* imposed upon the appellant in view of article 309, paragraph 3, of the Revised Penal Code. On the other hand, in fixing the indemnity to be paid, the sentimental value of the ring to the injured party should be taken into account in addition to its price (article 106, Revised Penal Code). Everything considered, we think ₱2,000 would be a fair valuation for the ring in question. This would not necessitate any change in the duration of the penalty; but the indemnity must be reduced to that amount."

1. Appellant vehemently assails as erroneous the finding of the Court of Appeals that he disposed of the ring knowing that it had been stolen. That finding of fact, however, is final and conclusive upon this court. We are not empowered to review and reverse it. (*Hodges vs. People*, 40 Off. Gaz. (151 Supp.), 227; section 3, Commonwealth Act No. 3; and Republic Act No. 52.)

2. Appellant's contention that he has been erroneously found guilty as accessory is predicated upon the assumption that he did not know the ring had been stolen when he disposed of it. Thus he cites in his favor a case cited

by Viada (Volume 1, page 386-387) wherein a son stole various pieces of jewelry from his mother and sold part of them to a silversmith who was later prosecuted and convicted by the trial court as accessory to the theft but who on appeal was acquitted by the Supreme Court of Spain on the ground that at the time he bought and paid for the jewels he did not know that the son had stolen them from his mother. It should be noted that in that case the accused did not dispose of the jewels after he had learned that they had been stolen. In the present case the appellant disposed or claimed to have disposed of the ring after he had been informed by the offended party that her son had stolen it from her. *United States vs. Montaño*, 3 Phil., 110, 111, cited by the Court of Appeals is the case in point. There it was held:

"In order to convict the defendant of the crime of being accessory to the crime of robbery committed as shown by the evidence in this case, it was not necessary to show that he had participated therein. It was sufficient to show that he had knowledge of it, and the proof shows that he acquired such knowledge when he was told by the owners that these carabaos had been taken away from the owners by robbery. After having obtained this knowledge he disposed of the property or concealed the same so that the owners were deprived of their property—the body and effects of the crime. (See Article 15, Penal Code.)"

Article 15 of the old Penal Code, cited in that case, has been reproduced as article 19 of the Revised Penal Code. Said article defines accessories as those who, having knowledge of the commission of the crime, and without having participated therein, either as principals or accomplices, take part subsequent to its commission by profiting themselves or assisting the offenders to profit by the effects of the crime. There can be no question that the appellant profited by disposing of the stolen property at ₱1,200 after he had agreed to return it to the owner upon the latter's reimbursing to him the ₱800 he had paid for it.

3. Appellant insists on his plea of double jeopardy. It appears that he had previously been prosecuted for the same offense in the municipal court of Manila, which after trial dismissed the case for lack of jurisdiction inasmuch as the amount involved in the theft was in excess of ₱200. (Section 2468, Revised Administrative Code, as amended by Commonwealth Act No. 361.) Since the dismissal was based on lack of jurisdiction, it did not constitute a bar to the prosecution of the offense in the proper court. (*U. S. vs. Bernardo*, 19 Phil., 265.)

4. The dismissal of the case against Jose Martinez and the noninclusion in the information of one Francisco Cueva are complained of by the appellant as prejudicial to him. Suffice it to say that these are matters for the fiscal to determine, with which the court should not interfere in the absence of a showing of clear and grave abuse.

5. The only error we notice in the appealed judgment is with regard to the penalty and the amount of the indemnity. The penalty provided by article 309, paragraph 3, of the Revised Penal Code where the value of the property stolen is more than ₱200 but does not exceed ₱6,000, is *prisión correccional* in its minimum and medium periods. The penalty lower by two degrees than this should be imposed upon the accused as accessory to the commission of a consummated felony. (Article 53.) Two degrees lower than *prisión correccional* in its minimum and medium periods is *destierro* in its maximum period to *arresto mayor* in its minimum period. (See article 61, paragraph 5, in relation to article 71, Revised Penal Code, as amended by Com. Act No. 217.) The medium degree of this penalty should be imposed, there being neither aggravating nor mitigating circumstances. *Destierro* in its maximum period is from four years, two months, and one day to six years of banishment; while *arresto mayor* in its minimum period is one month and one day to two months of imprisonment. There is no medium or middle ground between these two penalties. So we must impose either one or the other. We think one month and one day of *arresto mayor* is preferable or more favorable to the accused.

The value of the stolen ring is another question raised by the appellant, who contends that it was worth only ₱200. To the price of ₱1,200 at which the appellant claimed to have sold the ring, the Court of Appeals added ₱800 to cover its sentimental value to the owner, considering that it was a souvenir from her mother, thus raising the value to ₱2,000. Article 106 of the Revised Penal Code provides that "the court shall determine the amount of damage, taking into consideration the price of the thing, whenever possible, and its special sentimental value to the injured party, and reparation shall be made accordingly." Appellant's contention that the ring should be appraised at only ₱200 is manifestly untenable, he himself having paid ₱800 for it and having sold it later for ₱1,200. In any event, the question raised is one of fact as to which the finding of the Court of Appeals is final. However, we think the Court of Appeals erred in not deducting from the sum of ₱2,000 as the value of the ring the sum of ₱800 which the appellant had paid to Rolando Caro, the son of the offended party; otherwise, the latter and his mother would enrich themselves by that amount at the expense of the appellant.

In view of the foregoing considerations, the appealed judgment is modified and the appellant is hereby sentenced to suffer one month and one day of *arresto mayor*, to indemnify the offended party in the sum of ₱1,200, with subsidiary imprisonment in case of insolvency which shall

not exceed one third of the principal penalty, and to pay the costs of both instances.

Moran, C. J., Feria, Bengzon, Padilla, Tuason, and Montemayor, JJ., concur.

Judgment modified.

[No. L-1563. August 30, 1949]

In the matter of the petition for naturalization of JOSE GO (alias JOSEPH GOTIANUY), petitioner and appellant, vs. ANTI-CHINESE LEAGUE OF THE PHILIPPINES and FELIPE FERNANDEZ, oppositors and appellees.

1. CITIZENSHIP; PARTIES; PRIVATE INDIVIDUAL SHOULD PRESENT OPPOSITION TO SOLICITOR GENERAL.—A private individual is not a proper party-oppositor in naturalization proceedings and if such individual wants to oppose, the opposition should be presented to the Solicitor General, who, either personally or through his delegate or the provincial fiscal, is the only officer or person authorized by law to appear on behalf of the Government and oppose an application for naturalization.
2. ID.; JUDGE'S DUTY TO APPLY THE LAW; WHAT THE LAW GRANTS, THE COURT CANNOT DENY.—It is the sworn duty of the judge to apply the law without fear or favor, to follow its mandate—not to tamper with it. The court cannot adopt a policy different from that of the law. What the law grants, the court cannot deny.

APPEAL from a judgment of the Court of First Instance of Cebu. Macadaeg, J.

The facts are stated in the opinion of the court.

M. Jesus Cuenco and Regino Hermosisima for appellant.

First Assistant Solicitor General Roberto A. Gianzon and Solicitor Florencio Villamor for appellee.

OZAETA, J.:

From a decision of Judge Higinio B. Macadaeg of the Court of First Instance of Cebu denying his petition for naturalization, Jose Go has appealed to this court.

Appellant was born of Chinese parents on December 5, 1914, in Cebu City, where he has continuously resided up to the present. He commenced his studies in the Cebu Chinese School, and after finishing the third grade he had a Mrs. Shelton for tutor. Later he enrolled in the De la Salle College in Manila, where he finished the intermediate course. Sometime in 1929 he left for Hongkong and enrolled for three years in the De la Salle College of that city. Thence he proceeded to the United States and continued his studies in Armstrong College in California, in the University of California, and in New York University. He returned to the Philippines in August, 1940. He is married to Gim F. Lock, an Amer-

ican-born citizen of Chinese parents. He has no children. He speaks and writes English and the Visayan-Cebuano dialect.

Since his return to the Philippines appellant has been engaged as insurance agent and inspector of the Visayan Surety Company, from which occupation he averages an annual income of ₱2,500. He is also engaged in the export of copra, with a capital of ₱120,000. He owns real property in Cebu City with an assessed value of ₱7,800. In the words of the trial court: "He is not opposed to organized government nor is he affiliated with any association or group of persons upholding doctrines opposed or antagonistic to organized government. He does not believe in the necessity or in the wisdom and propriety of violence, personal assault, or assassination for the success or attainment of his ideas. He is not a polygamist nor a believer in the practice of polygamy. He has never been convicted of any crime involving moral turpitude and he is not suffering from any incurable disease nor from mental alienation. He believes in the principles underlying the Philippine Constitution."

The trial court's decision denying the petition was based on the proofs presented by the oppositors—Atty. Vicente Sotto, in behalf of the so-called Anti-Chinese League of the Philippines, and Mr. Felipe Fernandez, a Filipino citizen residing in Cebu City—consisting of the testimony of two political detainees named Pedro Gerona and Pedro Labra. These witnesses testified in substance that in the month of November, 1943, the appellant sold to the Japanese Navy one Fairbanks-Morse motor and two truck tires. Pedro Gerona also testified that he saw the appellant on different occasions in the Normal School where the offices of the Japanese Kempei-tai were located. Pedro Labra also testified that appellant was a prominent member of the Chinese Association of Cebu City, which according to him donated to the Japanese Navy ₱50,000 in cash and some scrap iron, and that appellant frequently visited the offices of the Kempei-tai.

In rebuttal appellant vehemently denied the imputations of Gerona and Labra and swore that in August, 1942, he evacuated to the barrio of Tupsan, municipality of Mambajao, Oriental Misamis, where he stayed until about September, 1944, when he came back to Cebu and after three days left with his father for the mountains. He was corroborated by Francisco Vibares, of Tupsan, Mambajao, who testified that during the period mentioned by appellant, that is to say, from August, 1942, to August or September, 1944, the appellant lived in the barrio of Tupsan, Mambajao, Oriental Misamis, in the house of a cousin of the witness, and that he came to know the appellant because he (witness) supplied appellant with goat's milk every day.

Appellant also presented Exhibit J, a clearance issued to him by the CIC on August 14, 1945.

The trial court declared that appellant lacked the qualification required by section 2 of Commonwealth Act No. 473, in that he had not conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community in which he was living. As additional reason for denying the petition the trial court invoked paragraph (f) of section 4 of Commonwealth Act No. 473, which disqualifies "persons who, during the period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos."

1. Neither the so-called Anti-Chinese League of the Philippines nor Felipe Fernandez, a private individual, is a proper party-oppositor in this case. These oppositors should have presented their opposition, and any proof they might have in support thereof, to the Solicitor General, who, either personally or through his delegate or the provincial fiscal, is the only officer or person authorized by law to appear on behalf of the Government and oppose an application for naturalization. (Sec. 10, Revised Naturalization Law; Anti-Chinese League of the Philippines *vs.* Felix Lim, 44 Off. Gaz., 1480.) Nevertheless, inasmuch as an assistant provincial fiscal appeared at the trial of the case and made the oppositions of said oppositors his own, and the Solicitor General appears to have approved his actuation, we consider the defect or irregularity complained of by the appellant in his first assignment of error as having been cured or corrected.

2. The testimony of the two witnesses for the oppositors is of doubtful credibility. They were both under prosecution for treason. One of them, Pedro Labra, has been found guilty by this court and sentenced to life imprisonment (*see* G. R. No. L-857, Oct. 19, 1948). Said testimony was, in our opinion, successfully rebutted by the appellant and his witness Francisco Vibares. Moreover, the trial judge apparently misconstrued said testimony when he said in his decision that the sale by the appellant of a motor and two truck tires to the Japanese Navy took place "sometime in the month of November, 1944," whereas according to said witnesses it took place sometime in November, 1943, when the appellant was in Mambajao, Oriental Misamis.

But even assuming that the appellant did sell such merchandise to the Japanese Navy and that he was a member of the Chinese Association of Cebu City, which allegedly donated ₱50,000 in cash and some scrap iron to the Japanese Navy, such transaction would not, in our opinion,

be a sufficient ground to reject appellant's petition, specially if we take into consideration the clearance issued to him by the CIC. The trial court itself said that it was not convinced that the appellant was a spy of the Japanese, notwithstanding the efforts of the oppositors to prove that he was.

3. We find no basis in the record for the finding that appellant had not mingled socially with the Filipinos or had not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos. There is no opposition to the petition on that score. At the trial the appellant testified without contradiction: "Since my birth I have been a resident here and I have been in contact with Filipinos and all my friends are in Cebu and our contract became to be more friendly. * * * I am more familiar with the customs and laws of the Philippines and the United States. I was brought up here, also my schooling, for the last fifteen years, has been with the Philippines and the United States."

4. In reasoning out its decision, the trial court said: "It seems * * * that the law makes it mandatory on the part of the court to grant Filipino citizenship if and when the applicant succeeds in proving that he has all the qualifications and none of the disqualifications required by law. This court believes that [the] time has come when a more rigid policy should be adopted in granting Filipino citizenship * * *. This court would even go farther by subscribing to a policy calculated to make it discretionary on the part of [the] courts to grant or not to grant Filipino citizenship even though the applicant shall have satisfactorily proven that he has all the qualifications and none of the disqualifications provided for by law. * * *"

We cannot subscribe to that proposition. It is the sworn duty of the judge to apply the law without fear or favor, to follow its mandate—not to tamper with it. The court cannot adopt a policy different from that of the law. What the law grants, the court cannot deny.

5. The Solicitor General contends that appellant has not satisfactorily proven that the laws of China grant to Filipinos the right to become naturalized citizens or subjects thereof. The same contention was urged on us in *Jose Leelin vs. Republic of the Philippines*, G. R. No. L-1761, Aug. 24, 1949, wherein we said: "It suffices to say that in previous cases a translation of the Chinese naturalization law, made and certified to be correct by the Chinese Consulate General in Manila, was admitted and considered sufficient evidence to establish that the laws of China permit Filipinos to become citizens of that country."

The judgment appealed from is reversed and appellant's petition for naturalization is hereby granted. The

corresponding certificate of naturalization will accordingly be issued and registered in the proper civil registry as required by law. No pronouncement as to costs.

Moran, C. J., Parás, Feria, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Judgment reversed; petition granted.

[Nos. L-1625 and L-1626. August 30, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee,
vs. LORENZO PINEDA, defendant and appellant

CRIMINAL LAW; MURDER; EVIDENCE; ALIBI AS A DEFENSE.—Under the facts proved in this case, the alibi set up by the appellant is not sufficient to overcome the positive evidence for the prosecution which points to him as one of those who took part in the commission of the crime.

APPEAL from a judgment of the Court of First Instance of Tarlac. Jose, J.

The facts are stated in the opinion of the court.

Union C. Kayanan for appellant.

Assistant Solicitor General Manuel P. Barcelona and *Solicitor Jose P. Alejandro* for appellee.

PADILLA, J.:

Early in the evening of 5 November 1946, Justiniano Arcilla and his wife Maria Arcilla were killed and buried in a common grave in the barrio of Malonso, municipality of Bamban, Province of Tarlac. Justiniano Arcilla was the overseer of Tito Feliciano in his rice lands there. The police noticed the disappearance of the spouses and suspecting that Lorenzo Pineda had something to do with it brought him to the municipal building for questioning. As he disclaimed knowledge of the spouses' whereabouts he was released. About the end of March 1947 a Huk runner by the name of Pablo Rivera fell into the hands of the police and revealed that some people in the barrio of Malonso knew what became of the Arcilla spouses. The police gathered the male inhabitants of the barrio and told Rivera to point to the person who had information about the whereabouts of the missing spouses. Rivera pointed to Dominador Wage. The latter, Francisco Maninang and Andres Galang revealed to the police that in the afternoon of 5 November 1946 while the tenants were threshing palay in the *patio* not far from the Arcilla home, Lorenzo Pineda asked Justiniano Arcilla to give him a ration of four cavanes of palay. Justiniano granted him one cavan only. Pineda was disgusted with Arcilla because he was allowed one cavan only whereas the others were given two. Pineda disclosed his resentment to Dominador Wage whom he met that afternoon. Faustino Galang, *alias* Romy,

Miguel David *alias* Peping, Bartolome Pasión *alias* Tomy, Horacio David and Troadio Tamayo, the co-defendants of Pineda, stopped Dominador Wage and Francisco Maninang, who were on their way home, and compelled them to dig a hole in the *sitio* called Ocho in the barrio of Malonso with shovels furnished them; and after digging the hole they were brought to a place 300 meters away from it. They were guarded by Bartolome Pasión. Later on, about dusk, the house of Pineda was surrounded by people among whom were Pineda and his co-defendants. They brought the spouses down and tied their elbows on the back and led them to the hole. With the butt of a carbine carried by Horacio David, Faustino Galang and Troadio Tamayo struck blows on the heads of the spouses, as a result of which they died. They were buried in the hole. Pineda and his co-defendants were recognized by Andres Galang who was still in the *patio* threshing palay and was dragged along by the malefactors to the place of the commission of the crime. The latter, Francisco Maninang and Dominador Wage were warned not to reveal what they had seen or else they would be killed including their families. The revelation brought about the arrest of Pineda who made a clean breast of the part he had taken in the macabre crime. This is set forth in an affidavit marked Exhibit A. The dead bodies of the deceased spouses after exhumation were identified by their children.

Two informations for murder were filed against Lorenzo Pineda and his co-defendants who were still at large at the time Pineda was brought to trial. He was found guilty and sentenced in each case to suffer *reclusión perpetua* with the accessories of the law, to indemnify the heirs of the deceased in the sum of ₱2,000 and to pay the costs, provided that the period of imprisonment should not exceed 40 years, pursuant to article 70 of the Revised Penal Code, as amended by Commonwealth Act No. 217. From this judgment the defendant has appealed.

There is no dispute that Justiniano Arcilla and Maria Arcilla were killed.

The alibi set up by the appellant supported by the testimony of his wife and of his son-in-law Benjamin Masiclat, to the effect that during the whole evening of 5 November 1946 he did not leave his house, is not sufficient to overcome the positive evidence for the prosecution which points to him as one of those who took part in the killing of the Arcilla spouses. There was a motive for the crime. He was to receive one cavan of palay for ration instead of two that the other tenants like him actually received. It was he who to avenge the discrimination committed by Justiniano Arcilla went to inform his co-defendants about it (pp. 42, 53, t.s.n.). Two witnesses for the prosecution are appellant's relatives. Dominador Wage is his son-in-law (pp. 13, 14, 76, t.s.n.).

and Francisco Maninang is married to his niece (pp. 19, 28, t.s.n.). Asked whether his son-in-law Dominador Wage had any grudge against him or entertained any ill-feeling towards him, appellant swore that he did not (p. 84, t.s.n.). After appellant's arrest his wife sent for her son-in-law Wage to live with her in the house (p. 15, t.s.n.). Appellant's testimony at his trial on the third-degree cure resorted to to wring from him the confession which appears in the affidavit Exhibit A cannot be believed. His wife testifies that he did not notice anything on his body (p. 92 t.s.n.) which might have been the result of illtreatment. And this must be true, for if he really was maltreated in the way he testified, he could not have talked to his wife the following day when she went to the municipal jail to see him.

The judgment appealed from is affirmed with costs.

Moran, C. J., Ozaeta, Parás, Feria, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

Judgment affirmed.

[No. L-2166. August 30, 1949]

ESTRELLA LEDESMA, petitioner, *vs.* EDUARDO ENRIQUEZ, Judge of First Instance of Negros Occidental, respondent.

1. ARREST; A PERSON'S OR PARTY'S DISOBEDIENCE TO A VALID ORDER FOR APPEARANCE; POWER OF COURT TO ORDER ARREST.—When a person or party is legally and validly required by a court to appear before it for a certain purpose, and that requirement is disobeyed, the only remedy left for the court is to use force to bring such person or party before it.
2. ADMINISTRATORS; RIGHT TO REFUSE APPOINTMENT OR OBLIGATION TO COMPLY WITH DUTIES.—No one may be compelled to act as administrator in any proceedings. But as long as she accepted the appointment of administratrix, qualified as such, and led the court and the heirs to believe that she would perform her duties as such and protect and serve the interests of said heirs and other interested parties, she was bound to comply with her duties. If later on she found it difficult or impossible to continue with her administration, at least she should have filed an inventory of the properties she had administered and render an accounting of her administration, particularly of the produce, fruits and income of the properties under administration, and then ask the court that she be relieved of her duties.

ORIGINAL ACTION in the Supreme Court. Prohibition.

The facts are stated in the opinion of the court.

Tolentino & Aguas for petitioner.

The respondent Judge in his own behalf.

MONTEMAYOR, J.:

This is a case of prohibition instituted by Estrella Ledesma, administratrix in testate proceedings No. 1362

against Judge Eduardo D. Enriquez, presiding over the third branch of said court. The facts which may be gathered from the petition and from the answer and annexes attached thereto of the respondent, may be briefly stated as follows:

This case No. 1362 aforementioned refers to the testate estate of the deceased Marcelo Ledesma and involves properties presumably situated in the Province of Occidental Negros. The petitioner Estrella appears to be one of the heirs of the deceased Marcelo Ledesma. She is now residing in the City of Manila but it is not known when she first took up such residence in the city. In February, 1948, Jose Cosgayon y Ledesma, another heir, filed in said case No. 1362 a petition alleging that the administratrix Estrella is a permanent resident of Manila; that the properties included in the testate estate are abandoned; that the produce, rentals, and income of the estate are in the hands of the tenants and the supposed lessees of the properties; that unless a co-administrator is appointed, the estate and all its assets including its income are liable to be lost to the detriment of the heirs and other interested parties, and asking that he be appointed co-administrator to protect his rights and those of the other heirs, specially his brothers and sisters; and that an order be issued requiring petitioner Estrella to render an accounting of her administration.

Acting upon this petition Judge Francisco Arellano, presiding over the first branch of the Court of First Instance of Negros Occidental, issued an order dated February 16, 1948, denying the petition for appointment of a co-administrator on the ground that as long as the administration of the properties of a deceased person is in the hands of an administrator duly qualified and acting as such, it is improper to appoint another administrator. The order however, states that since it is alleged that the administratrix Estrella Ledesma had not filed any inventory or annual report of her administration since she was appointed 25 years ago, and since she resides permanently in Manila and that all these were prejudicial to the heirs, he cited Estrella Ledesma to appear before the court on March 6, 1948, at 8:30 a.m., and show cause, if any, why she should not be punished for contempt of court in view of the alleged abandonment of her administration and in not having made the corresponding inventory of the properties under her administration, including her annual reports.

On March 4, 1948, Estrella sent the following telegram from Manila to the Court of Negros Occidental:

"RE ORDER NO. 1362 ORDER JUST RECEIVED PLEASE
POSTPONE HEARING FOR 30 DAYS INDISPOSED WILL FILE
WRITTEN REPLY."

On the basis of this telegram Judge Francisco Arellano of said court granted the same and he set the hearing of the incident (la vista de este incidente) for April 3, 1948, at 8:30 a.m., warning the administratrix that she must appear personally on that date. On April 1, 1948, Estrella again sent the following telegram to the same court:

"PLEASE GIVE ANOTHER EXTENSION STILL INDISPOSED AND FINANCIALLY DISABLED."

Acting upon this telegram, Judge Eduardo D. Enriquez, the respondent herein, presiding over the third branch of said court, issued an order dated April 3, 1948 which reads as follows:

"No encontrado justificada la petición de la administradora formulada mediante telegrama de fecha 1.^o de Abril de 1948, pidiendo extensión de plazo para su comparecencia;

"Por el presente, se ordena su arresto."

The corresponding warrant of arrest was issued and was served on the petitioner Estrella in Manila on April 20, 1948. On April 22, 1948, the petitioner-administratrix through her counsel filed in this Court the present petition for prohibition alleging that the warrant of arrest issued against her was illegal and unjust and constituted a grave abuse of discretion and that as a result thereof, she was arrested and confined for an indefinite period of time; that her confinement was causing her great prejudice, annoyance and degradation, and that she had no other adequate remedy nor could she appeal from the order ordering her arrest. She now asks this Court to set aside the said warrant of arrest; that pending consideration of her petition "an order be issued to the respondent judge to refrain him from further execution of said order of arrest and that herein petitioner be released from confinement."

On April 24, 1948, petitioner's counsel filed a petition to permit the herein petitioner to file a bond in an amount to be fixed by this Court in order that herein petitioner "will have more facilities to comply with all what the Hon. Court is requiring her to submit," and within a period of 30 days, the herein petitioner is willing to appear before the said court and submit her account.

On April 30, 1948, this Court by resolution gave due course to the petition for prohibition and required the respondent to answer the same within 5 days from receipt of copy of the resolution, at the same time ordering the provisional release of the petitioner upon her filing a bond in the sum of ₱200. Petitioner's counsel as well as the respondent were notified by telegram on the same date of that part of the resolution regarding the provisional release of the petitioner. On May 3, 1948, the petitioner

filed the corresponding bail bond and she was forthwith released.

On May 22, 1948, the answer of the respondent was received. In said answer Judge Eduardo D. Enriquez claims among other things, that the petitioner never complied with her promise to file a reply, contained in her telegram of March 4, 1948; that her petition for another extension contained in her second telegram of April 1, 1948, was not supported either by an oath or a medical certificate; that he (respondent) regarded the alleged indisposition of the petitioner stated in her two telegrams as ground for the postponement of her appearance as a mere subterfuge to frustrate the orders of the court and to place obstacles in the orderly administration of justice, seeking thereby to convert said orders into mere scraps of paper to the detriment of the dignity of the courts of justice, and that the issuance by the respondent of the order of arrest was done in a regular manner and in the ordinary exercise of the inherent powers of courts of justice to enforce their orders and legal processes.

After a careful consideration of this case, we are satisfied that the respondent was warranted in issuing his order of April 3, 1948, ordering the arrest of the petitioner herein. Said order was issued not to harrass the petitioner but merely to enforce the order of the court requiring her appearance in court to show cause why she should not be punished for contempt of court for her failure to comply with her duties as administratrix in the testate proceedings. Said court was perfectly justified in issuing that order for her appearance if as made to appear before us, since her appointment as administratrix about 25 years ago, to the prejudice of the heirs and to the detriment of the properties under administration, she had really abandoned her administration, had come to live permanently in Manila and had not filed any annual report, not even an inventory of the properties she was supposed to be administering. And, this requirement for her to appear and render an accounting of her administration was not done by the court on its own initiative although it could have done so but upon a petition of one of the heirs said to be prejudiced by petitioner's abandonment of her administration.

No one may be compelled to act as administrator in any proceedings. The petitioner herein was under no obligation to be administratrix in said proceedings No. 1362. If she found her permanent residence in Manila incompatible with her duties to administer properties situated in Negros Occidental, she was perfectly justified in refusing the administration. But as long as she accepted the appointment of administratrix, qualified as such, and led the court and the heirs to believe that she would perform her

duties as such and protect and serve the interests of said heirs and other interested parties, she was bound to comply with her duties. If later on she found it difficult or impossible to continue with her administration, at least she should have filed an inventory of the properties she had administered and render an accounting of her administration, particularly of the produce, fruits and income of the properties under administration, and then ask the court that she be relieved of her duties. This, she apparently had not done. For this reason as already stated, the Court of First Instance of Negros Occidental was justified in requiring her to appear.

Her first request for postponement which was not supported by medical certificate was granted; but when another request by telegram equally unsupported either by oath or medical certificate was sent by her, specially since the promise to reply contained in her first telegram had not been complied with, the respondent herein who presided the court before which she was required to appear believing that the petitioner was purposely and wantonly disobeying orders of the court had the right to issue the warrant of arrest in order to enforce compliance with its order. Without this remedy, courts would be helpless to enforce their orders and judicial processes. When a person or party is legally and validly required by a court to appear before it for a certain purpose, when that requirement is disobeyed, the only remedy left for the court is to use force to bring such person or party before it. It may be that this power may be abused. In the present case however, we are satisfied that there was no abuse of discretion committed by the respondent. If the Supreme Court allowed the provisional release of the party, as it did, it was not because it considered the warrant of arrest as having been issued illegally and without cause, but it was merely to relieve the petitioner of the discomfort and embarrassment incident to confinement in jail and to accord her better facilities to pursue the remedy she sought, while we studied and passed upon the merits of her petition.

In view of the foregoing, the present petition is hereby denied, without any pronouncement as to costs. The petitioner is ordered within ten days after notification of this decision, to appear before the Court of First Instance of Negros Occidental as she was originally required to do to be dealt with by that court. Should she fail to do so, that court is authorized to confiscate the bail bond filed by her under authority of this Court, and take such other measures it may deem just and proper.

Moran, C. J., Ozaeta, Parás, Feria, Bengzon, Padilla, Tuason, and Reyes, JJ., concur.

Petition denied.

[No. L-2452. August 30, 1949]

LORENZO LLAMOSO, petitioner, *vs.* VICENTE FERRER and THE COURT OF APPEALS, respondents

[No. L-2470. August 30, 1949]

VICENTE FERRER, petitioner and appellant, *vs.* LORENZO LLAMOSO and THE COURT OF APPEALS, respondents and appellees.

ELECTIONS; CONTEST FOR MUNICIPAL MAYOR; WHEN WINNING CANDIDATE IS DISQUALIFIED; CANDIDATE RECEIVING THE NEXT HIGHEST VOTES NOT ENTITLED TO OFFICE.—Section 173 of Republic Act No. 180 known as the Revised Election Code, does not provide that if the contestee is declared ineligible the contestant will be proclaimed. Indeed it may be gathered that the law contemplates no such result, because it permits the filing of the contest by *any* registered candidate irrespective of whether the latter occupied the next highest place or the lowest in the election returns.

PETITION for review on certiorari a decision of the Court of Appeals.

The facts are stated in the opinion of the court.

Manuel A. Concordia for petitioner and respondent Llamoso.

Amado G. Salazar for respondent and petitioner Ferrer.

BENGZON, J.:

In consequence of the elections held November 11, 1947, the municipal board of canvassers of Lumban, Laguna, proclaimed Vicente Ferrer as mayor-elect, with a plurality of 363 votes over the next candidate Lorenzo Llamoso.

Llamoso filed quo warranto proceedings alleging that Ferrer was disqualified for lack of legal residence. After hearing, the Court of First Instance of Laguna declared the position vacant, stating that Ferrer had not the legal requisites necessary to be validly elected.

Both parties appealed to the Court of Appeals, which in due course, confirmed the ineligibility of Ferrer, but declined to transfer "the palm of victory" to Llamoso who "had not received the popular verdict". It affirmed the decision of the Court of First Instance.

These two petitions for certiorari to review the judgment of the Court of Appeals refer to the same controversy. On the one hand, Ferrer maintains he was not disqualified; on the other, Llamoso argues that he should be declared elected upon the disqualification of Ferrer.

On the first point, the decision of the Court of Appeals finds that:

"On October 24, 1947, the petitioner Lorenzo Llamoso filed with the Justice of the Peace Court of Santa Cruz, Laguna, a petition for the exclusion of the respondent Vicente Ferrer from the registry list of voters of Precinct No. 6 of the Municipality of Lumban, for alleged lack of six months' residence in the said municipality,

as required by section 98 of Republic Act No. 180 (Revised Election Code). The Justice of the Peace denied the petition, and petitioner appealed to the Court of First Instance of Laguna where the appeal was docketed as Civil Case No. 3984, entitled 'Lorenzo Llamoso vs. Board of Inspectors of Lumban, etc.' After hearing, the court rendered on November 4, 1947, a decision reversing the judgment of the Justice of the peace and ordering the exclusion of the respondent Vicente Ferrer from the registry list of voters of said Precinct No. 6. The Respondent brought the case to the Supreme Court on *certiorari* (G. R. No. L-1784), but the high court was able to dispose of the petition only on November 13, 1947, or two days after the election. In its resolution dismissing the petition for *certiorari*, the high court said that the petition had no merit and the question therein involved had already become moot."

The Court of Appeals held that the judgments above mentioned are conclusive on the lack of qualifications of Ferrer. Invoking our ruling in *Nuval vs. Guray*, 52 Phil., 645, Ferrer says the appellate court committed error. Supposing that the case fits the situation now, and that the judgments were not conclusive, inasmuch as the record does not show the contrary (that in fact he had the required residence), we must confirm the finding that he is and was ineligible. (Sec. 2174, Adm. Code, in connection with sec. 98 of Republic Act No. 180.)

The petition of Llamoso raises this question: When the winning candidate turns out to be disqualified, is the candidate receiving the next highest number of votes entitled to the office?

The parties have failed to call our attention to a previous decision of this Court squarely on the matter. Ferrer's counsel calls attention to *Topacio vs. Paredes*, 23 Phil., 238, wherein it is said:

"Again, the effect of a decision that a candidate is not entitled to the office because of fraud or irregularities in the election is quite different from that produced by declaring a person ineligible to hold such an office. * * * In the former, we have a contest in the strict sense of the word, because opposing parties are striving for supremacy. If it be found that the successful candidate (according to the board of canvassers) obtained a plurality in an illegal manner, and that another candidate was the *real victor*, the former must retire in favor of the latter. In the other case, there is not, strictly speaking, a contest, as the wreath of victory cannot be transferred from an ineligible candidate to any other candidate when the sole question is the eligibility of the one receiving a plurality of the legally cast ballots." (*Topacio vs. Paredes, supra*, 254, 255.)

Section 173 of Republic Act No. 180 establishing the procedure when a person who is not eligible is elected to a provincial or municipal office says that any registered candidate may contest his right to the position by *quo warranto* proceedings. It does not provide that if the contestee is declared ineligible the contestant will be proclaimed. Indeed it may be gathered that the law contemplates no such result, because it permits the filing of the contest by *any registered candidate*.

whether the latter occupied the next highest place or the lowest in the election returns.

As a matter of fact the American precedents on Elections hold that:

"It is a fundamental idea in all republican forms of government that no one can be declared elected and no measure can be declared carried, unless he or it receives a majority or a plurality of the legal votes cast in the election. Accordingly, the general rule is that the fact that a plurality or a majority of the votes are cast for an ineligible candidate at a popular election does not entitle the candidate receiving the next highest number of votes to be declared elected. In such case the electors have failed to make a choice and the election is a nullity". (29 Corpus Juris Secundum, 353.)

" * * * although the candidate voted for by a majority cannot be declared elected because of his ineligibility and the majority vote is thereby rendered ineffective for such purpose, such majority vote is effective to forbid the election of the candidate having the next highest number of votes. The effect is to render the purported election nugatory and to leave a vacancy in the office thus attempted to be filled." (18 American Jurisprudence, 353.)

Wherefore the decision of the Court of Appeals is affirmed. No costs.

Moran, C. J., Ozaeta, Parás, Feria, Padilla, Tuason, Reyes, and Torres, JJ., concur.

Judgment affirmed.

[No. L-2894. August 30, 1949]

BUCRA CORPORATION, petitioner, *vs.* HIGINIO B. MACADAEG, Judge of First Instance of Manila, and ELIGIO GIRON, respondents.

GARNISHMENT; STATUTES; WHEN THE PROVISIONS OF SECTION 10 OF RULE 59 AND SECTION 41 OF RULE 39 OF THE RULES OF COURT APPLICABLE.—The provision of section 10 of Rule 59 of the Rules of Court is applicable only in cases where indebtedness is admitted by the garnishee, or a personal property capable of manual delivery admittedly belonging to the defendant is in the possession of the person so required to attend before the court. But if the garnishee does not admit the indebtedness or makes a legal or equitable claim to the property or amount in his hands, the controversy must be determined by action, as provided in section 41, Rule 39 of the Rules of Court.

ORIGINAL ACTION in the Supreme Court. Certiorari.

The facts are stated in the opinion of the court.

Jamir, Ongsiako, Reyes & Siguion-Reyna for petitioner.
Bernardino E. de Guzman for respondents.

FERIA, J.:

This is a special civil action of certiorari filed with this Court by the petitioner against the respondent Judge Higinio Macadaeg of the Court of First Instance of Manila and Eligio Giron, to set aside the order of the respondent

judge requiring the petitioner to deposit in court the sum of ₱25,000, which the petitioner, as garnishee in a civil action filed by the respondent Eligio Giron against Antonio C. Salcedo, claims to have in its possession to cover the obligation existing prior to the garnishment of the defendant Salcedo to the petitioner.

Section 10, Rule 59, which provides that the court may, after the examination of a debtor of the defendant, "order personal property capable of manual delivery belonging to the defendant, in the possession of the person so required to attend before the court, to be delivered to the clerk of the court, sheriff, or other officer on such terms as may be just," is applicable only in cases where indebtedness is admitted by the garnishee, or a personal property capable of manual delivery *belonging to the defendant* is in the possession of the person so required to attend before the court. But if the garnishee does not admit the indebtedness or makes a legal or equitable claim to the property or amount in his hands as in the present case, the controversy must be determined by action, as provided in section 41, Rule 39 of the Rules of Court. To compel the garnishee in the present case to deposit in court the amount of ₱25,000 in his possession notwithstanding its claim thereto, would be to deprive the petitioner of a property without due process of law.

The proceedings provided for in "sections 476, 481, 482 and 483 of the Code of Civil Procedure (from which sections 35, 37, 38, and 41 of Rule 39 were taken) are identical in principle with the proceeding for the citation of debtors explained in the chapter on attachment" (*Tayabas Land Co. vs. Sharruf*, 41 Phil., 382, 388), and therefore applicable to the present case, specially the provision of section 486 of the old Code of Civil Procedure, now section 41, Rule 39, of the Rules of Court.

Section 544 of the California Code of Civil Procedure is identical with section 432 of the old Philippine Code of Civil Procedure which, like most of the provision of our old Code touching attachment proceedings, was borrowed literally from the California Code, and the provisions of section 8, Rule 59, or our Rules of Court on effect of attachment of debts and credits were literally copied from said section 432 of our old Code of Civil Procedure. Under the provision of said section 8 of rule 59 all persons having any personal property belonging to the defendant, or owing any debt to the defendant, at the time of the service of the order of garnishment, shall be, unless such property be delivered or transferred, or such debt be paid by him, to the clerk, sheriff or other officer of the court, liable to the plaintiff for the amount of such credit, property or debts, until the attachment be discharged.

And this Court in the case of *Tee Bi & Co. vs. Chartered Bank of India, Australia and China*, 41 Phil., 255,

quoted with approval the following syllabus in the case of *Carter vs. Los Angeles National Bank*, 116 Cal., 370-1:

"ATTACHMENT; GARNISHMENT; ACTION BY JUDGMENT CREDITOR AGAINST GARNISHEE.—After execution unsatisfied against the judgment debtor, the judgment creditor may bring an action at law against a garnishee upon whom notice was served under an attachment issued in the action before judgment; and it is not necessary before bringing such action that the garnishee should be required to appear and answer, or that an order should be obtained authorizing the action against the garnishee; and no equitable circumstance need be shown to justify the suit, which is upon direct liability of the garnishee to the plaintiff in that suit provided for in section 544 of the Code of Civil Procedure."

In view of all the foregoing, we hold that the respondent judge acted in excess of the jurisdiction of the court in issuing the order of March 16, 1949, requiring the petitioner to deposit the sum of ₱25,000 in court, and that therefore said order, being null and void, is set aside with costs against the respondent Eligio Giron. (See Resolution of September 19, 1949.) So ordered.

Moran, C. J., Ozaeta, Parás, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Order set aside.

[No. L-3063. August 30, 1949]

MACARIO QUINTERO and RAMON GUZMAN, petitioners, *vs.* FELIX MARTINEZ, Judge of First Instance of Manila, THE SHERIFF OF THE CITY OF MANILA, and PIO D. LIWANAG, respondents.

MANDAMUS; NATURE OF THE WRIT AND WHEN IT LIES.—Mandamus lies against a tribunal or judge who unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from his office, that is to perform a ministerial duty specially enjoined by law. It is not the function of mandamus to compel a judge, exercising a judicial function such as the issuance of preliminary injunction, to grant or deny it, however clearly erroneous its action in granting or denying the injunction may be; and therefore the respondent judge can not be compelled to issue the injunction sought by the petitioners, just because he acted contrary to law or with grave abuse of discretion in denying the injunction.

ORIGINAL ACTION in the Supreme Court. Mandamus and Injunction.

The facts are stated in the opinion of the court.

Quijano & Alidio for petitioners.

Castor M. Baltazar for respondents.

FERIA, J.:

This is a special action of mandamus to compel the respondent judge to issue in the civil case No. 7359, instituted by the petitioner against the respondent Pio

D. Liwanag and the sheriff of the City of Manila a preliminary prohibitory injunction restraining the respondent sheriff from executing the final judgment of the municipal court of Manila in the civil case No. 4217 on the ground that the said judgment was obtained through fraud, falsification and collusion.

There can not be any question that it is a discretionary, and not a ministerial duty of the respondent judge, to issue or not a preliminary injunction in a case pending before its court, for section 3, Rule 60, provides that a preliminary injunction may be granted when it appears *prima facie* "that the plaintiff is entitled to the relief demanded and the whole or part of such relief consists in restraining the commission or continuance of the acts complained of; that the commission or continuance of the acts complained of during the litigation would probably work injustice to the plaintiff; and that the defendant is doing, threatens or is about to do, or is procuring or suffering to be done some act probably in violation of the plaintiff's rights respecting the subject of the action."

It is obvious that mandamus lies against a tribunal or judge who unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from his office, that is to perform a *ministerial duty* specially enjoined by law. It is not the function of mandamus to compel a judge, exercising a judicial function such as the issuance of preliminary injunction, to grant or deny it, however clearly erroneous its action in granting or denying the injunction may be; and therefore the respondent judge can not be compelled to issue the injunction sought by the petitioners, just because he acted contrary to law or with grave abuse of discretion in denying the injunction. The ruling of this court in the case of Bañares *vs.* Flor-deliza and Gavito, 51 Phil., 786, was a very special one laid down under the special circumstance of that particular case not applicable to the case at bar.

Besides the respondent judge acted in the present case in conformity with law. The first and principal cause of action in civil case No. 7359 is to annul the final judgment of the municipal court in the case No. 4217 on the ground of fraud. And in the third cause of action, the plaintiffs seek to restrain the sheriff of the City of Manila from carrying out the order of execution of said judgment, on the ground that the judgment is null and void; that the commission or continuance of the execution complained of during the litigation would work injustice to the plaintiffs, and that the defendant sheriff is ejecting or threatens to eject the plaintiffs in violation of their rights. It is evident that the third cause of action does not state facts sufficient to constitute a cause of action, and therefore the plaintiffs are not entitled *prima facie* to the relief demanded that is, which consists in restraining the defendant sheriff

from executing the judgment; and that the sheriff in executing the final judgment of the Municipal Court of Manila by order of the said court is only complying with his official duty, and does not violate the plaintiffs' right. Therefore none of the requisites required by section 3, Rule 60, for granting a preliminary injunction exists.

Unless and until the court sets aside as null and void the final judgment of the Municipal Court of Manila in the civil case No. 4217 on the ground of fraud, the execution thereof can not be enjoined in an action of injunction against the sheriff of Manila, because the presumption is that the judgment was legally rendered. If the first cause of action seeking to annul said final judgment is decided in favor of the petitioners and the judgment is set aside, which will carry with it the nullity of the writ of execution, the sheriff could no longer enforce it without necessity of being enjoined not to do so. The third cause of action can have no independent existence, for it is a mere sequence of the first. To issue a preliminary injunction as ancillary to the third cause of action alleged in the plaintiffs' complaint in civil case No. 7359, would be to allow judgment debtors to delay the execution of a final judgment against them by filing a complaint like the one filed by the petitioners in the said case, irrespective of the final outcome of the action.

In view of the foregoing, the petition for mandamus is dismissed, and the preliminary injunction issued by this Court in the present case is consequently set aside, with costs against the petitioner. So ordered.

Moran, C. J., Ozaeta, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

PARÁS, J.:

I dissent for the same reason stated in the *Lopez vs. Gutierrez*.

Petition dismissed; injunction set aside.

[No. L-3226. August 30, 1949]

DOMINADOR S. PONGOS, petitioner, *vs.* HIDALGO ENTERPRISES, INC., BIENVENIDO A. TAN, Judge of First Instance of Rizal (Rizal City Branch) and THE SHERIFF OF RIZAL, respondents.

1. RECEIVER; APPOINTMENT OF RECEIVER DOES NOT DISPLACE VESTED CONTRACT LIENS.—The appointment of a receiver vests in the court no absolute control over the property and no general authority to displace vested contract liens, and while a receiver will be appointed only on the application of one who appears to have an interest in the subject matter, yet when the appointment is made the receiver is a mere officer of the court, and the appointment creates no lien in favor of any of the parties applying for it and gives no advantage or preference to such

parties over other claimants to the property; it does not determine the rights of the parties.

2. PLEADING AND PRACTICE; COUNTERCLAIM, NATURE OF; RIGHTS OF COUNTERCLAIMANT.—A counterclaim may be considered a complaint against the plaintiff for it is rather in the nature of a cross-complaint than of a counterclaim under the old Code of Civil Procedure, and therefore a counterclaimant or plaintiff in the counterclaim may obtain from the court an order for delivery to it of personal properties he seeks to recover in its counter-claim from the plaintiff.

ORIGINAL ACTION in the Supreme Court. Certiorari.

The facts are stated in the opinion of the court.

Bausa & Ampil for petitioner.

No appearance for respondents.

FERIA, J.:

This is a special civil action of certiorari filed with this Court by the petitioner against the respondent Judge Bienvenido A. Tan to set aside an order of the respondent judge for the delivery by the petitioner of the machineries, equipments, and appurtenances of the Pasay Ice Plant and Cold Storage to the other respondent.

According to the facts alleged in the petition, the petitioner instituted an action against the respondent Hidalgo Enterprises Inc., civil case No. 472 of the Court of First Instance of Rizal, to cancel or rescind the contract between them by which the petitioner turned over and delivered to the respondent the full management, operation, possession and control of the Pasay Ice Plant and Storage, and conveyed to said respondent, by way of chattel mortgage, all the machineries, equipment, accessories and the certificate of public convenience of said plant, as security for the payment of the advances of money made by the respondent to pay the outstanding debts and obligation due from the petitioner to other persons on account of said Ice Plant and Cold Storage.

The defendant Hidalgo Enterprises Inc., during the pendency of the suit, secured first a writ of mandatory injunction directing the plaintiff, now petitioner, to surrender the possession of the said Pasay Ice Plant and Cold Storage to the said defendant, and afterwards, upon a motion for reconsideration filed by the plaintiff, the respondent judge reconsidered its order and appointed a receiver, who qualified as such and took possession of said properties on March 30, 1948, and died in February, 1949.

On or about June 25, 1945, before another receiver had been appointed, the defendant Hidalgo Enterprises Inc. amended its answer and set up a counterclaim for the recovery of money due from the plaintiff-petitioner to the defendant-respondent and the foreclosure of the chattel mortgage above mentioned, and as a necessary step for the foreclosure asked the court to order the plaintiff who

was in possession of the machineries, equipment, and appurtenances of the Pasay Ice Plant and Cold Storage, to deliver them to the defendant, which was granted by the court, and hence the filing of the present action of certiorari.

The petitioner contends that the respondent judge exceeded in the exercise of his jurisdiction in ordering the delivery of the personal property mortgaged to the respondent, on two grounds: First, because said properties were in *custodia legis* and the respondent judge had no authority to order their delivery to the defendant; and second, because the respondent Hidalgo Enterprises, being a defendant in the civil action No. 472, cannot ask for the delivery of personal property, since such order may be secured only by the plaintiff according to Rule 62 of the Rules of Court.

Petitioner's contentions are untenable. As to the first ground, "The appointment of a receiver vests in the court no absolute control over the property and no general authority to displace vested contract liens, and while a receiver will be appointed only on the application of one who appears to have an interest in the subject-matter, yet when the appointment is made the receiver is a mere officer of the court, and the appointment creates no lien in favor of any of the parties applying for it and gives no advantage or preference to such parties over other claimants to the property; it does not determine the rights of the parties," * * * (Cyclopedia of Law and Procedure, Vol. 34, p. 180).

And as to the second ground, it is obvious that the defendant Hidalgo Enterprises, Inc., with respect to the plaintiff's complaint, is the plaintiff in the counterclaim filed by him against the plaintiff. "A counterclaim is termed a mutual petition, because both parties sue each other mutually in the same action, each of them assuming the double role of plaintiff and defendant, before the trial judge, and the two suits are brought under a single proceeding where both actions are tried at the same time and finally determined in one and the same judgment" (De la Peña *vs.* Hidalgo, 20 Phil., 323). If a counterclaim was considered a counter suit filed by the defendant against the plaintiff, the counterclaim of the defendant respondent Hidalgo Enterprises, Inc., may a *fortiori* be considered a complaint against the plaintiff-petitioner, for it is rather in the nature of a cross complaint than of a counterclaim under the old Code of Civil Procedure. Therefore, the respondent Hidalgo Enterprises, Inc., as counterclaimant or plaintiff in the counterclaim may obtain from the respondent judge an order for delivery to it of the personal properties he seeks to recover in its counterclaim from the plaintiff.

Wherefore the petition for certiorari is dismissed.

Moran, C. J., Ozaeta, Parás, Bengzon, Padilla, Tuason, and Montemayor, JJ., concur.

Petition dismissed.

[No. L-1358. August 31, 1949]

MARIETA J. ROTEA and SANTIAGO ROTEA, petitioners and appellants, *vs.* LEVY HERMANOS, INC. ET AL., claimants and appellees.

INSOLVENCY; APPEAL; WHEN AN APPEAL TAKEN IN INSOLVENCY PROCEEDINGS MAY NOT BE ENTERTAINED.—When the appeal taken in an insolvency proceedings is not based on any of those cases specifically mentioned in section 82 of the Insolvency Law, it may not be entertained.

APPEAL from an order of the Court of First Instance of Manila. Peña, J.

The facts are stated in the opinion of the court.

Ezpeleta & Ezpeleta for appellants.

Feliciano Jover Ledesma for appellee Levy Hermanos, Inc.

Ramirez & Ortigas for appellee Oceanic Commercial Inc. (Levy & Blum, Inc.)

BENGZON, J.:

On August 6, 1943, Marieta J. Rotea and her husband Santiago Rotea applied for voluntary insolvency in the Court of First Instance of Manila.

On October 27, 1943, the court by an order subsequently amended, granted the petition, ordered the sheriff of Manila to take possession of and safely keep, until the appointment of an assignee, all the goods, papers, books of account, and all real and personal property of the debtors, except such as may be exempt from execution. It set December 11, 1943 as the day for the meeting of the creditors of the insolvent for the election of an assignee.

On the above designated day no creditors attended the meeting and no assignee was elected.

Upon motion of some creditors the court designated the Bank of the Philippine Islands as the assignee; but this institution declined the appointment for reasons which need not be mentioned. And so far as the record shows no assignee has up to this time qualified.

In the meantime certain creditors either filed their claims or joined the proceedings, namely, the Finance and Investment Corporation, the Ipekjian Brothers, Inc., the Agricultural and Industrial Bank, the Levy Hermanos, Inc., and the Levy & Blum, Inc.

About the end of the year 1944, the insolvents, allegedly by "dint of hard work and through the help of relatives," acquired funds sufficient to cover their full indebtedness and made tender of payment. The first three creditors received the money. The last two refused payment. Wherefore the debtors purchased two manager's checks of the Philippine National Bank payable to the said two creditors in the amount of their credits and deposited such checks with the clerk of the Court of First Instance of Manila. That was on January 2, 1945. At the same time the debtors petitioned the court to order the said two creditors to collect and receive from the clerk their respective manager's checks in satisfaction of their claims. As the motion was not acted upon until January 22, 1945, the debtors with the permission of the court withdrew the checks from the clerk, cashed them and deposited the proceeds with the sheriff on the theory that he was acting in the place of the assignee who had not yet been selected.

Thereafter liberation came.

On October 31, 1946, the insolvent debtors submitted a petition for the arrest and final dismissal of the insolvency proceedings, because "with the full payment of three creditors mentioned in the schedule" and the payment to the sheriff of the claims of those who rejected the amounts tendered, all the credits against the petitioners had become fully paid, and there was no longer any necessity for the continuation of the insolvency proceedings. Levy Hermanos, Inc. and Levy & Blum, Inc. opposed the petition, which was consequently denied by Judge Emilio Peña on December 27, 1946.

The petitioners appealed.

This appeal may not be entertained. In the first place, the petition for dismissal of the proceedings was filed under section 81 of the Insolvency Law which clearly says that "if no creditor files written objections" the court *may* grant the application.

In the second place, the statute specifically mentions the cases in which appeal may be taken (sec. 82), namely:

"1. From an order granting or refusing an adjudication of insolvency and, in the latter case, from the order fixing the amount of costs, expenses, damages, and attorney's fees allowed the debtor.

"2. From an order made at the hearing of any account of an assignee, allowing or rejecting a creditor's claim in whole or in part, when the amount in dispute exceeds three hundred pesos.

"3. From an order allowing or denying a claim for property not belonging to the insolvent, presented under section forty-eight of this Act.

"4. From an order settling an account of an assignee.

"5. From an order against or in favor of setting apart homestead or other property claimed as exempt from execution.

"6. From an order granting or refusing a discharge to the debtor."

This appeal does not fall within any of the above classes. It may not be contended that it is an appeal from an order refusing a discharge; because the petition was specifically made under section 81 of the Insolvency Law, and because upon a petition for discharge (secs. 64-69 of the insolvency) other issues might be involved.

With the dismissal of this appeal, the insolvency proceedings will proceed in accordance with law. So ordered.

Moran, C. J., Ozaeta, Parás, Feria, Padilla, Tuason, Montemayor, Reyes, and Torres JJ., concur.

Appeal dismissed.

[No. L-1827. August 31, 1949]

ALFREDO CATOLICO, petitioner, *vs.* IRINEO RANJO, Judge of First Instance of Cagayan, CIRILO LASAM, FELIX BAUTISTA and MELQUIADES BAUTISTA, respondents.

COSTS; STATUTORY CONSTRUCTION; PAYMENT OF COSTS TO PREVAILING PARTY; SECTION 11 OF RULE 131 CONSTRUED.—Section 11 of Rule 131 in providing for the recovery of the sum of ₱40 by the "prevailing party" means that said amount shall be recovered collectively, not individually, by the said prevailing party.

ORIGINAL ACTION in the Supreme Court. Certiorari.

The facts are stated in the opinion of the court.

Araneta & Araneta for petitioner.

The respondent Judge in his own behalf.

Cirilo Lasam, F. Bautista and M. Bautista in their own behalf.

TORRES, J.:

The decision of this Court in the above-entitled case, promulgated on May 31, 1949, having become final, the clerk of this Court made of record the taxation of costs pursuant to the bill of costs filed by respondents Felix B. Bautista and Melquiades B. Bautista. In accordance with said taxation of costs the respondents shall recover from the petitioner the amount of ₱40, and Felix B. Bautista and Melquiades B. Bautista in their written request asked the clerk of this Court that the sum of ₱40 be awarded to them as costs.

A writ of execution addressed to the sheriff of Manila was therefore issued on the 16th of this month, commanding said official that, of the personal property of Alfredo Catolico, the petitioner herein, the sum of ₱40 Philippine currency be caused to be made as costs allowed to the respondents in the above-entitled case, aside from his lawful fees, and "to pay the said sum to respondents Cirilo Lasam, Felix Bautista and Melquiades Bautista."

On August 17, 1949, respondents Felix Bautista and Melquiades Bautista in their communication addressed to the

clerk of this Court called the latter's attention to the fact that the costs of ₱40 mentioned in the writ of execution issued on August 16, 1949, "should be paid to respondents Felix B. Bautista and Melquiades B. Bautista, excluding respondent Cirilo T. Lasam," inasmuch as said costs belong exclusively to respondents Bautista, and respondent Cirilo T. Lasam having filed a separate answer from that of respondents Bautista, "is entitled to costs different from those claimed by us."

The point thus raised by respondents Felix B. Bautista and Melquiades B. Bautista in their said communication of August 17, 1949 is now before us for resolution.

Section 11 of Rule 131 of the Rules of Court reads:

"Costs in Court of Appeals and in Supreme Court.—In an action or proceeding pending in the Court of Appeals or in the Supreme Court, the prevailing party may recover the following costs, and no other.

"(a) For his own attendance, and that of his attorney, down to and including final judgment, twenty pesos in the Court of Appeals, and forty pesos in the Supreme Court."

Nowhere in the above-quoted section or in any other provision of the Rules governing the payment or collection of costs appears any provision which might indicate, even by inference, that in the matter of collection of costs, each of the individuals constituting the "prevailing party" shall collect the sum of ₱40, exclusive of the right of the other person or persons pertaining to the same party to collect another sum or sums of ₱40.

It is, therefore, the opinion of this Court that section 11 of Rule 131 in providing for the recovery of the sum of ₱40 by the "prevailing party" means that said amount shall be recovered collectively, not individually, by the said prevailing party. So ordered.

Moran, C. J., Ozaeta, Parás, Feria, Bengzon, Tuason, Padiña, Montemayor, and Reyes, JJ., concur.

Writ denied.

[No. L-2262. August 31, 1949]

FLORENTINA ZAFRA VDA. DE VALENZUELA, plaintiff and petitioner, *vs.* BERNABE DE AQUINO, Judge of First Instance of La Union, and IRENE ZAFRA DE AGUILAR, defendants and respondents.

1. RECONSTITUTION; PARTIES ARE CALLED UPON TO RECONSTITUTE LOST RECORD OF THEIR CASE; WHEN PARTIES FAILED TO RECONSTITUTE RECORDS OF THEIR CASE, DESPITE AMPLE TIME AND OPPORTUNITY GIVEN THEM, EXERCISE OF COURT'S INHERENT POWER TO RESTORE AND SUPPLY DEFICIENCIES IN ITS RECORDS IMPROPER.—It is the parties that are called upon to reconstitute the lost record and restore the case to its original status, and when they failed and did not wish to do so despite the ample opportunity given to them, but instead gave up and ignored said old

case and sought a remedy and solution to their problem in an entirely new case which they diligently attended to and prosecuted to its end, and submitted for the court's decision, said court may not properly and legally invoke and utilize its inherent power to restore its records and reinstate the old case and dismiss the new one.

2. ID.; ORDER FOR RECONSTITUTION ISSUED BY COURT ON AFFIDAVIT OF CLERK OF COURT BASED ON LATTER'S RECOLLECTION WITHOUT INTERVENTION OF PARTIES, LEGALITY OF.—An order for reconstitution is illegal and improper as having been issued in excess of jurisdiction, when it is effected by the court on the affidavit made by the clerk of court as to the status of a case whose records were destroyed, based on his recollection which can hardly be regarded as reliable without intervention and opportunity of the parties to check up on its correctness, and without any petition or expressed desire therefor by the parties interested.

ORIGINAL ACTION in the Supreme Court. Certiorari.

The facts are stated in the opinion of the court.

Jesus Z. Valenzuela for petitioner.

The respondent Judge in his own behalf.

MONTEMAYOR, J.:

On June 12, 1946, Florentina Zafra Vda. de Valenzuela, the present petitioner, as plaintiff in civil case No. 52 of the Court of First Instance of La Union, filed an amended complaint against her sister Irene Zafra de Aguilar, alleging that they are the only heirs of their mother Agustina del Castillo who died on February 7, 1934, leaving to them three parcels of land described in said complaint and designated as items (a), (b), and (c), and asking for the partition of the said three parcels between them. In addition, she asked for the collection of the sum of ₱810 said to be owing to her by the defendant. Irene in her answer to the amended complaint asserts that in addition to parcels (a) and (b) described in the complaint, there were other properties left by their mother and therefore owned in common by them and she asks all of these properties be partitioned including their fruits and earnings. As to parcel (c), Irene claims that it is her exclusive property having been conveyed to her by her mother during her lifetime and consequently, was not subject to partition. Hearings were held on July 17 and November 8, 1947 and on January 6, 1948, on which last date, the parties after having finished adducing their evidence, submitted the case for decision.

On February 20, 1948, Judge Bernabe de Aquino, then presiding over the Court of First Instance of La Union which received the evidence in the partition case and before whom it was submitted for decision, issued an order of the same date, stating that in going over the evidence for the purpose of pronouncing judgment in the partition case No. 52, he found that there had previously been in-

for the estate of Agustina del Castillo, mother of the parties, involving the same properties included in the complaint for partition, and that plaintiff Florentina Zafra Vda. de Valenzuela had been appointed administratrix in that case. The order cited the parties to appear before the court on March 3, 1948, in order to inform it of the status of that civil case No. 1993. On the date set, counsel for plaintiff Florentina informed the court that the record of civil case No. 1993 had been lost and there had been no reconstitution; that the administratrix therein was making the inventory and was beginning to make a report, and that in view of the destruction of the record, Florentina filed civil case No. 52 for partition.

At the request of the court, the clerk of court made an affidavit, undated, entitled "Information to the Court," stating that according to his best recollection Florentina Zafra Vda. de Valenzuela had duly been appointed administratrix in civil case No. 1993; that she duly qualified as such administratrix; that the necessary notice to creditors was published calling on possible creditors to file their claims against the estate of the decedent Agustina del Castillo, but notwithstanding the lapse of several years, no creditor's claim has ever been filed except the claim presented by present defendant Irene Zafra de Aguilar, wherein she contended that a certain parcel listed in the administratrix's inventory as part of the estate of their mother Agustina del Castillo, was no longer part of the intestate estate for the reason that said parcel had already been donated to her by her mother during her lifetime; and that as far as said clerk of court could recall, the administratrix had not yet submitted her final report and accounting and that the properties under administration had not as yet been distributed and that consequently, special proceedings No. 1993 was still pending and unclosed at the time the record was destroyed during liberation.

Acting upon the information given by counsel for plaintiff Florentina already referred to and upon an authenticated copy of an order dated September 2, 1936, appointing Florentina administratrix in the intestate proceedings, which copy had been presented by her as an exhibit in the partition case, including the affidavit of the clerk of court, Judge Bernabe de Aquino issued an order dated May 27, 1948, in the intestate proceedings, civil case No. 1993, allegedly reconstituted and designated as reconstituted case No. 11-R, to the effect that the order of the court dated September 2, 1936, appointing the plaintiff administratrix in the intestate proceedings was declared reconstituted, as well as the status of that case at the time of the destruction of the records as certified to by the clerk of court in his affidavit. In the same order, Judge Aquino ordered that the proceedings in said civil case No. 1993 shall continue

upon the portion of the records as therein reconstituted, at the same time enjoining the administratrix Florentina Zafra Vda. de Valenzuela within fifteen days from notice to (a) renew her bond in the amount of ₱500 as fixed in the order of her appointment in 1936; (b) file a new inventory of the estate of her deceased mother Agustina del Castillo; (c) render final accounting as administratrix; and (d) submit a project of partition and distribution of the intestate estate of Agustina del Castillo.

Dissatisfied with this action of Judge Bernabe de Aquino, Florentina Zafra filed the present petition for *certiorari*, asking that we require the court of La Union to certify to this Court among other things, a copy of the record of civil case No. 52, for review, and after due consideration of the petition, that we annul the order of the respondent judge, dated May 27, 1948, on the ground that in issuing the same, respondent had acted in excess of his jurisdiction and with grave abuse of his discretion.

On the basis of this order of May 27, 1948, in civil case No. 1993, Judge De Aquino in the partition case, civil case No. 52, issued an order on the same date, May 27, 1948, dismissing said case on the ground that the plaintiff had no cause of action for partition. The reason given was that inasmuch as the proceedings in civil case No. 1993 had been ordered continued on the basis of the reconstitution declared by the court in said case, and because the properties now sought to be partitioned are included in the intestate proceedings, said properties were to be regarded as in the hands of the court and so could not be touched or be subject of an ordinary action, and the plaintiff in the partition case had no right to ask for partition but must await the result of the intestate proceedings. Plaintiff Florentina appealed from said order of dismissal to this Court.

As a result of said appeal, we now have here before us the record of that civil case No. 52. Consequently, there no longer is any need of requiring the Court of First Instance of La Union to certify to us copy of said record for our review and for purposes of reference in the consideration of the petition for certiorari.

On the basis of the facts already stated and those to be gathered from the pleadings in this certiorari case, as well as the record of civil case No. 52, we entertain grave doubts as to the legality and propriety of respondent's order of May 27, 1948, ordering the reconstitution of the order of the court of La Union of September 2, 1936 appointing the plaintiff administratrix in civil case No. 1993, as well as reinstating said case as of the time of the destruction of its record in 1945, as certified to by the clerk of court in his affidavit, and ordering the proceedings in said civil case No. 1993 to continue. On September 1, 1945, Judge Antonio G. Lucero of the Court of First In-

stance of La Union, issued an order advising parties litigant and their attorneys and other interested persons of the complete destruction of the judicial records of the court and giving them six months from the date of the order within which to apply for the reconstitution of said records, otherwise they shall be deemed to have relinquished the reconstitution and may file their action anew. This order was duly published. Then on October 14, 1946, the Supreme Court passed a resolution published in the *Official Gazette*, Vol. 42, No. 10, page 2446, extending up to June 30, 1947, the time within which petitions for reconstitution of judicial records heretofore destroyed may be filed in any court of the Philippines under Act No. 3110. Despite the order and the resolution aforementioned, the parties interested in the intestate proceedings have failed to ask for the reconstitution of the record of said civil case No. 1993. It is clear that the parties therein had lost all interest in that case. Moreover, instead of filing a new action for intestate proceedings like civil case No. 1993, Florentina Zafra filed an entirely different suit for partition, a sort of short-cut to the goal or objective, namely, distribution of the properties left to her and her sister. And this sister defendant Irene Zafra, far from objecting on the ground of the existence of the intestate proceedings, was perfectly agreeable to the proposed partition. Furthermore, the affidavit made by the clerk of court already referred to as to the status of said civil case No. 1993 based on his recollection can hardly be regarded as reliable and may not bind the parties who did not intervene in its preparation and had no opportunity to check up on its correctness. Consequently, the record of civil case No. 1993 cannot be considered as validly reconstituted under the term of Act No. 3110.

In explanation of his action in ordering the reconstitution of the record of civil case No. 1993 and in ordering its reinstatement, respondent judge invokes the inherent power of the court as provided in Rule 124, section 5 (h) of the Rules of Court which reads as follows:

"To authorize a copy of a lost or destroyed pleading or other paper to be filed and used instead of the original, and to restore, and supply deficiencies in its records and proceedings."

Deeming it unnecessary at this time to lay down a rule as to when to apply the provisions of Act No. 3110 as regards the reconstitution of a court record that has been completely destroyed and when the court itself, *motu proprio* may and should invoke and exercise its inherent power to restore and supply deficiencies in its record and proceedings, under Rule 124, section 5 (h) of the Rules of Court, we find and hold in the present case that it was the parties that were called upon to reconstitute the lost record and restore the case to its status, and when they failed and did

not wish to do so despite the ample opportunity given to them, but instead gave up and ignored said old case and sought a remedy and solution to their problem in an entirely new case (civil case No. 52) which they diligently attended to and prosecuted to its end, and submitted for the court's decision, said court may not correctly and legally invoke and utilize its inherent power on this point and matter.

We cannot agree to the action of the respondent judge in ordering the reconstitution of the record of civil case No. 1993, and reinstating said case without any petition or expressed desire therefor by the parties interested. Stripped of all technicalities and non-essentials, the case here may be succinctly described thus: In the year 1936 the plaintiff had commenced intestate proceedings, civil case No. 1993, seeking the administration of the properties left by her mother to her and her sister defendant, the only heirs. She was duly appointed administratrix. We do not know for sure what happened thereafter in relation to said proceedings or what steps were taken in and during her administration, for the reason that the only information on this point is the affidavit of the clerk of court based merely on his recollection, prepared without the intervention of the parties interested and so, from the point of view of the law, unacceptable and unreliable and not binding on the parties interested, in spite of the fact that it was prepared honestly and in good faith. About 9 years later, or rather during the last phase of the last war, on the occasion of the liberation of the provincial capital, the courthouse was burned and all the court records including that of the intestate proceedings were completely destroyed. The parties interested in said case were given plenty of time and opportunity to petition for the reconstitution of the record of said case both by order of the Court of First Instance and also by a resolution of the Supreme Court. But, they neither took steps nor adopted any measure looking toward said reconstitution. In other words, they evinced no interest whatsoever in the reinstatement of said case in the court docket. And, instead of instituting another intestate proceedings as contemplated by Act 3110, to take the place of civil case No. 1993, whose record had been destroyed and could not be reconstituted, the administratrix in said intestate proceedings filed an entirely new action, one against her sister and coheir partition, of the same properties included in the intestate proceedings. Said sister making no mention of or reference whatsoever to the previous institution of the intestate proceedings, expressed her willingness to the proposed partition. Hearings were held in the partition case; both sisters presented evidence and finally submitted the case for decision. Instead of deciding said partition case, respondent judge *motu proprio*,

and on the basis of a copy of the appointment of the plaintiff in the partition case, as administratrix in the intestate proceedings, which copy he found among the evidence in the partition case, ordered the reconstitution of the said appointment of administratrix in the intestate proceedings and on the basis thereof, as well as of an affidavit made by the clerk of court based entirely on his recollection of what had happened in the intestate proceedings case, ordered the reinstatement of said intestate proceedings and its continuance, directing the administratrix therein against her objection to file a new bond and a new inventory of the properties under administration and to render an accounting. And, on the basis of all this, respondent judge on May 27, 1948, dismissed the case for partition.

It was neither necessary nor proper for the court, *motu proprio* to reconstitute the record of civil case No. 1993 and revive the same. We believe and we hold that the intestate proceedings, civil case No. 1993, was dead and non-existent as far as the court and the parties were concerned, and that as a result, the properties subject of the suit for partition are not now in the hands of the court as erroneously believed by respondent judge. We find the order of reconstitution and reinstatement of May 27, 1948, to be illegal and improper as having been issued in excess of jurisdiction, and it is hereby declared and ordered annulled. Writ of certiorari granted. No costs.

Moran, C. J., Ozaeta, Parás, Feria, Bengzon, Padilla, Tuason, and Reyes, JJ., concur.

Writ granted.

[No. L-2345. August 31, 1949]

SEGUNDO AGUSTIN, ISAURO SANTIAGO, JOSEFINA PHODACA, AMADO HERNANDEZ, VICENTE CRUZ, and SALVADOR MARIÑO, petitioners, *vs.* MANUEL DE LA FUENTE, Mayor of City of Manila, respondent.

PROHIBITION, WRIT OF; ITS FUNCTION.—Prohibition is a preventive remedy. Its function is to restrain the doing of some act about to be done. It is not intended to provide a remedy for acts already accomplished.

ORIGINAL ACTION in the Supreme Court. Prohibition.

The facts are stated in the opinion of the court.

Salvador L. Mariño for petitioners.

Acting City Fiscal of Manila A. P. Montesa and Assistant City Fiscal Arsenio Nañawa for respondent.

REYES, J.:

To rid the City of Manila of the nuisance caused by the many vendors and peddlers plying their trade on the plazas and streets of its crowded downtown districts, the city

authorities conceived the idea of establishing a central market for them, and to carry out this idea, the mayor recommended to the municipal board the conversion of certain buildings in Osmeña Park into such a market and the setting aside of the sum of ₱52,500 to cover the costs of remodelling the buildings. In its session of March 18, 1948, the Board approved the recommendation in principle, and five days later its president so informed the mayor in writing with the suggestion that "in view of the urgent need of undertaking this project," the city treasurer, pending publication of the proposed ordinance in the *Official Gazette*, be authorized to release the fund for the purpose already specified. Acting on this information, the mayor, on March 27, 1948, authorized the immediate release and expenditure of the fund, and with the work of remodelling the buildings started on the following month, it was completed on July 1 of the same year, at an expenditure of approximately ₱52,000. Thereafter, the plazas and streets in Quiapo and Sta. Cruz were cleared of vendors and peddlers, and most of these were assigned stalls in the remodelled buildings now designated as "Central Market." Shortly before this, however, the sidewalk vendors and peddlers protested the idea of their being transferred to the central market, and the majority of the municipal board, composed of a block opposed to the mayor, heeding the protest, approved on June 28, 1948, an amendment to the proposed ordinance in question in the sense that the sum of ₱52,000 therein appropriated for the central market was to be expended for the construction of "school buildings at the same site." As the amended ordinance as approved was vetoed by the mayor, the said majority members of the board, on July 9, 1948, brought the present action to prohibit the mayor from "converting, using, and adopting" the buildings in question for market purposes, alleging that the mayor has no authority to establish a public market in Manila as that power resides in the municipal board under section 2444, paragraph, (z) of the Revised Administrative Code.

Prohibition is a preventive remedy. Its function is to restrain the doing of some act about to be done. It is not intended to provide a remedy for acts already accomplished. (*Cabañero vs. Torres*, 61 Phil., 522.) If the thing be already done, the writ of prohibition cannot undo it. (*U. S. vs. Hoffman*, 4 Wall., 158, 161; 18 Law. ed., 354.)

In the Philippine case above cited, a writ of prohibition was sought to annul a provisional license which the Secretary of Labor had issued to a foreign corporation not registered here, authorizing it to recruit laborers, and the petition also sought to prohibit the renewal of said license. But this Court denied the petition on the ground that the writ of prohibition is not intended to provide a remedy

for acts already accomplished, the Court furthermore declaring that—

"Even if the Secretary of Labor had acted illegally or in excess of his authority when he issued the provisional or temporary license in question, prohibition is not the proper remedy."

In the case now before us, it appears that when the petition was filed the remodelling of the buildings for the central market had already been completed and that very shortly thereafter, Plaza Miranda, Quezon Boulevard, Carriedo Street, and other streets in the districts of Quiapo and Sta. Cruz were cleared of curb vendors and hawkers, thanks to the establishment of said market, which gave accommodation to those of them who cared to continue their trade.

The petitioners argue that at the time of the filing of the petition the remodelling of the buildings for the central market had not yet been totally finished as the toilet facilities therein, compared with those in other city markets, were inadequate and the stall holders were still constructing their booths. These, however, are mere details. The city engineer has certified that on July 1, 1948, the buildings had already been completely remodelled for the purpose intended and were on that date ready for occupancy by the vendors, while according to the city treasurer, the vendors have, since their ejection from the streets on the tenth of that month, been assigned places in said buildings and were, on the day he gave the information, actually doing business therein. The establishment of the central market is thus a consummated act which can no longer be prevented. Under the rule governing the issuance of the writ of prohibition, this preventive remedy is not now available.

The petition is, therefore, denied, but without special pronouncement as to costs.

Moran, C. J., Ozaeta, Parás, Feria, Bengzon, Padilla, Tuason, Montemayor, and Torres, JJ., concur.

Petition denied.

[No. L-2480. August 31, 1949]

FLORENTINA ZAFRA VDA. DE VALENZUELA (deceased), substituted by Socorro Z. Valenzuela et al., plaintiffs and appellants, *vs.* IRENE ZAFRA DE AGUILAR, defendant and appellee.

ACTION; NEW ACTION INSTITUTED AND TRIED IN THE ABSENCE OF TIMELY RECONSTITUTION OF RECORDS OF PREVIOUS CASE; DISMISSAL OF NEW ACTION ERRONEOUS.—When the record of an intestate proceeding had been lost or destroyed and the parties thereto failed to reconstitute said record within the period prescribed by Act No. 3110, as amended, so as to restore the

case to its former status as of the time of loss of the record, and it appearing that the parties, subsequently have voluntarily instituted a new partition suit involving the same properties, proceeded to trial, presented evidence and later submitted the case for decision, the court should have decided said new case on the basis of the evidence submitted and with no reference to or consideration whatsoever of the old intestate proceedings involving the same properties, and that the dismissal of the new case so as to give due course to the old one is a reversible error.

APPEAL from an order of the Court of First Instance of La Union. De Aquino, J.

The facts are stated in the opinion of the court.

Jesus Z. Valenzuela for appellant Valenzuela.

Gabriel Z. Aguilar for appellee.

MONTEMAYOR, J.:

This case is here on appeal from an order of the Court of First Instance of La Union dated May 27, 1948, dismissing the case after both parties had adduced their evidence and they had submitted the case for decision. This appeal is intimately related to the petition for certiorari instituted by the appellant in G. R. No. L-2262, and the facts and legal considerations pertinent to and necessary to the decision of this appeal are found in the decision of this Court in said certiorari case, which is hereby reproduced and made part of this decision.

"On June 12, 1946, Florentina Zafra Vda. de Valenzuela, the present petitioner, as plaintiff in civil case No. 52 of the Court of First Instance of La Union, filed an amended complaint against her sister Irene Zafra de Aguilar, alleging that they are the only heirs of their mother Agustina del Castillo who died on February 7, 1934, leaving to them three parcels of land described in said complaint and designated as items (a), (b), and (c), and asking for the partition of the said three parcels between them. In addition, she asked for the collection of the sum of P810 said to be owing to her by the defendant. Irene in her answer to the amended complaint asserts that in addition to parcels (a) and (b) described in the complaint, there were other properties left by their mother and therefore owned in common by them and she asks that all of these properties be partitioned including their fruits and earnings. As to parcel (c), Irene claims that it is her exclusive property having been conveyed to her by her mother during her lifetime and consequently was not subject to partition. Hearings were held on July 17 and November 8, 1947 and on January 6, 1948, on which last date, the parties after having finished adducing their evidence, submitted the case for decision.

"On February 20, 1948, Judge Bernabe de Aquino, then presiding over the Court of First Instance of La Union which received the evidence in the partition case and before whom it was submitted for decision, issued an order of the same date, stating that in going over the evidence for the purpose of pronouncing judgment in the partition case No. 52, he found that there had previously been instituted intestate proceedings known as civil case No. 1993, for the estate of Agustina del Castillo, mother of the parties, involving the same properties included in the complaint for partition, and that

plaintiff Florentina Zafra Vda. de Valenzuela had been appointed administratrix in that case. The order cited the parties to appear before the court on March 3, 1948, in order to inform it of the status of that civil case No. 1993. On the date set, counsel for plaintiff Florentina informed the court that the record of civil case No. 1993 had been lost and there had been no reconstitution; that the administratrix therein was making the inventory and was beginning to make a report, and that in view of the destruction of the record, Florentina filed civil case No. 52 for partition.

"At the request of the court, the clerk of court made an affidavit, undated, entitled 'Information to the Court,' stating that according to his best recollection Florentina Zafra Vda. de Valenzuela had duly been appointed administratrix in civil case No. 1993; that she duly qualified as such administratrix; that the necessary notice to creditors was published calling on possible creditors to file their claims against the estate of the decedent Agustina del Castillo, but notwithstanding the lapse of several years, no creditor's claim has ever been filed except the claim presented by present defendant Irene Zafra de Aguilar, wherein she contended that a certain parcel listed in the administratrix's inventory as part of the estate of their mother Agustina del Castillo, was no longer part of the intestate estate for the reason that said parcel had already been donated to her by her mother during her lifetime; and that as far as said clerk of court could recall, the administratrix had not yet submitted her final report and accounting and that the properties under administration had not as yet been distributed and that consequently, special proceedings No. 1993 was still pending and unclosed at the time the record was destroyed during liberation.

"Acting upon the information given by counsel for plaintiff Florentina already referred to and upon an authenticated copy of an order dated September 2, 1936, appointing Florentina administratrix in the intestate proceedings, which copy had been presented by her as an exhibit in the partition case, including the affidavit of the clerk of court, Judge Bernabe de Aquino issued an order dated May 27, 1948, in the intestate proceedings, civil case No. 1993, allegedly reconstituted and designated as Reconstituted Case No. 11-R, to the effect that the order of the court dated September 2, 1936, appointing the plaintiff administratrix in the intestate proceedings was declared reconstituted, as well as the status of that case at the time of the destruction of the records as certified to by the clerk of court in his affidavit. In the same order, Judge Aquino ordered that the proceedings in said civil case No. 1993 shall continue upon the portion of the records as therein reconstituted, at the same time enjoining the administratrix Florentina Zafra Vda. de Valenzuela within fifteen days from notice to (a) renew her bond in the amount of ₱500 as fixed in the order of her appointment in 1936; (b) file a new inventory of the estate of her deceased mother Agustina del Castillo; (c) render final accounting as administratrix; and (d) submit a project of partition and distribution of the intestate estate of Agustina del Castillo.

"Dissatisfied with this action of Judge Bernabe de Aquino, Florentina Zafra filed the present petition for certiorari, asking that we require the court of La Union to certify to this Court among other things, a copy of the record of civil case No. 52, for review, and after due consideration of the petition, that we annul the order of the respondent judge, dated May 27, 1948, on the ground that in issuing the same, respondent had acted in excess of his jurisdiction and with grave abuse of his discretion.

"On the basis of this order of May 27, 1948, in civil case No. 1993, Judge de Aquino in the partition case, civil case No. 52, issued an order on the same date, May 27, 1948, dismissing said case on

the ground that the plaintiff had no cause of action for partition. The reason given was that inasmuch as the proceedings in civil case No. 1993 had been ordered continued on the basis of the reconstitution declared by the court in said case, and because the properties now sought to be partitioned are included in the intestate proceedings, said properties were to be regarded as in the hands of the court and so could not be touched or be subject of an ordinary action, and the plaintiff in the partition case had no right to ask for partition but must await the result of the intestate proceedings. Plaintiff Florentina appealed from said order of dismissal to this Court.

"As a result of said appeal, we now have here before us the record of that civil case No. 52. Consequently, there no longer is any need of requiring the Court of First Instance of La Union to certify to us copy of said record for our review and for purposes of reference in the consideration of the petition for certiorari.

"On the basis of the facts already stated and those to be gathered from the pleadings in this certiorari case, as well as the record of civil case No. 52, we entertain grave doubts as to the legality and propriety of respondent's order of May 27, 1948, ordering the reconstitution of the order of the court of La Union of September 2, 1936 appointing the plaintiff administratrix in civil case No. 1993, as well as reinstating said case as of the time of the destruction of its record in 1945, as certified to by the clerk of court in his affidavit, and ordering the proceedings in said civil case No. 1993 to continue. On September 1, 1945, Judge Antonio G. Lucero of the Court of First Instance of La Union, issued an order advising parties litigant and their attorneys and other interested persons of the complete destruction of the judicial records of the court and giving them six months from the date of the order within which to apply for the reconstitution of said records, otherwise they shall be deemed to have relinquished the reconstitution and may file their action anew. This order was duly published. Then on October 14, 1946, the Supreme Court passed a resolution published in the Official Gazette, Vol. 42, No. 10, page 2446, extending up to June 30, 1947, the time within which petitions for reconstitution of judicial records heretofore destroyed may be filed in any court of the Philippines under Act No. 3110. Despite the order and the resolution aforementioned, the parties interested in the intestate proceedings have failed to ask for the reconstitution of the record of said civil case No. 1993. It is clear that the parties therein had lost all interest in that case. Moreover, instead of filing a new action for intestate proceedings like civil case No. 1993, Florentina Zafra filed an entirely different suit for partition, a sort of short-cut to the goal or objective, namely, distribution of the properties left to her and her sister. And this sister defendant Irene Zafra, far from objecting on the ground of the existence of the intestate proceedings, was perfectly agreeable to the proposed partition. Furthermore, the affidavit made by the clerk of court already referred to as to the status of said civil case No. 1993 based on his recollection can hardly be regarded as reliable and may not bind the parties who did not intervene in its preparation and had no opportunity to check up on its correctness. Consequently, the record of civil case No. 1993 cannot be considered as validly reconstituted under the terms of Act No. 3110.

"In explanation of his action in ordering the reconstitution of the record of civil case No. 1993 and in ordering its reinstatement, respondent judge invokes the inherent power of the court as provided in Rule 124, Sec. 5(h) of the Rules of Court which reads as follows:

"To authorize a copy of a lost or destroyed pleading or other paper to be filed and used instead of the original, and to restore, and supply deficiencies in its records and proceedings."

"Deeming it unnecessary at this time to lay down a rule as to when to apply the provisions of Act No. 3110 as regards the reconstitution of a court record that has been completely destroyed and when the court itself, *motu proprio* may and should invoke and exercise its inherent power to restore and supply deficiencies in its records and proceedings, under Rule 124, section 5 (h) of the Rules of Court, we find and hold in the present case that it was the parties that were called upon to reconstitute the lost record and restore the case to its status, and when they failed and did not wish to do so despite the ample opportunity given to them, but instead gave up and ignored said old case and sought a remedy and solution to their problem in an entirely new case (civil case No. 52) which they diligently attended to and prosecuted to its end, and submitted for the court's decision, said court may not correctly and legally invoke and utilize its inherent power on this point and matter.

"We cannot agree to the action of the respondent judge in ordering the reconstitution of the record of civil case No. 1993, and reinstating said case without any petition or expressed desire therefor by the parties interested. Stripped of all technicalities and non-essentials, the case here may be succinctly described thus: In the year 1936 the plaintiff had commenced intestate proceedings, civil case No. 1993, seeking the administration of the properties left by her mother to her and her sister defendant, the only heirs. She was duly appointed administratrix. We do not know for sure what happened thereafter in relation to said proceedings or what steps were taken in and during her administration, for the reason that the only information on this point is the affidavit of the clerk of court based merely on his recollection, prepared without the intervention of the parties interested and so, from the point of view of the law, unacceptable and unreliable and not binding on the parties interested, in spite of the fact that it was prepared honestly and in good faith. About 9 years later, or rather during the last phase of the last war, on the occasion of the liberation of the provincial capital, the courthouse was burned and all the court records including that of the intestate proceedings were completely destroyed. The parties interested in said case were given plenty of time and opportunity to petition for the reconstitution of the record of said case both by order of the Court of First Instance and also by a resolution of the Supreme Court. But, they neither took steps nor adopted any measure looking toward said reconstitution. In other words, they evinced no interest whatsoever in the reinstatement of said case in the court docket. And, instead of instituting another intestate proceedings as contemplated by Act No. 3110, to take the place of civil case No. 1993, whose record had been destroyed and could not be reconstituted, the administratrix in said intestate proceedings filed an entirely new action, one against her sister and coheir for partition, of the same properties included in the intestate proceedings. Said sister making no mention of or reference whatsoever to the previous institution of the intestate proceedings, expressed her willingness to the proposed partition. Hearings were held in the partition case; both sisters presented evidence and finally submitted the case for decision. Instead of deciding said partition case, respondent judge *motu proprio*, and on the basis of a copy of the appointment of the plaintiff in the partition case, as administratrix in the intestate proceedings, which copy he found among the evidence in the partition case, ordered the reconstitution of the said appointment of administratrix in the intestate proceedings and on the basis thereof, as well as of an affidavit made by the clerk of court based entirely on his recollection of what had happened in the intestate proceedings case, ordered the reinstatement of said intestate proceedings and its

continuance, directing the administratrix therein against her objection to file a new bond and a new inventory of the properties under administration and to render an accounting. And, on the basis of all this, respondent judge on May 27, 1948, dismissed the case for partition.

"It was neither necessary nor proper for the court, *motu proprio* to reconstitute the record of civil case No. 1993 and revive the same. We believe and we hold that the intestate proceedings, civil case No. 1993, was dead and non-existent as far as the court and the parties were concerned, and that as a result, the properties subject of the suit for partition are not now in the hands of the court as erroneously believed by respondent judge. We find the order of reconstitution and reinstatement of May 27, 1948, to be illegal and improper as having been issued in excess of jurisdiction, and it is hereby declared and ordered annulled. Writ of certiorari granted. No costs."

In view of the foregoing, we find that the lower court committed error in dismissing the case. It should have decided it on the basis of the evidence submitted and with no reference to or consideration, whatsoever of the old intestate proceedings involving the same properties, as discussed in the case for certiorari, G. R. No. L-2262. Reversing the order appealed from, let this case be returned to the lower court for its decision. No pronouncement as to costs.

Moran, C. J., Ozaeta, Parás, Feria, Bengzon, Padilla, Tuason, and Reyes, JJ., concur.

Order reversed; case remanded with instruction.

[No. L-2754. August 31, 1949]

FIDEL ABRIOL, petitioner and appellant, *vs.* VICENTE HOMERES, Provincial Warden of Leyte, respondent and appellee.

1. CRIMINAL PROCEDURE, RULES OF; MOTION TO DISMISS ON INSUFFICIENCY OF EVIDENCE AFTER PROSECUTION RESTED; RIGHT OF ACCUSED TO PRESENT EVIDENCE IF MOTION IS DENIED.—The dismissal of the case for insufficiency of evidence after the prosecution has rested terminates the case then and there. But if the motion for dismissal is denied, the court should proceed to hear the evidence for the defense before entering judgment, regardless of whether or not the defense had reserved its right to present evidence in the event its motion for dismissal be denied.
2. HABEAS CORPUS; DENIAL OF RIGHT TO PRESENT EVIDENCE AFTER MOTION TO DISMISS IS DENIED CONSTITUTES VIOLATION OF DUE PROCESS OF LAW; JUDGMENT OF CONVICTION SUBJECT TO WRIT OF HABEAS CORPUS.—The function of a writ of habeas corpus in permitting the petitioner to challenge by collateral attack the jurisdiction under which the process or judgment by which he is deprived of his liberty was issued or rendered cannot be distorted by extending the inquiry to mere errors of trial courts acting within their jurisdiction. This principle, however, has been qualified in the sense that it is not to be so applied as to destroy constitutional safeguards of human life and liberty.

3. **ID.; ID.; ID.**—There is no law or precedent which could be invoked to place in doubt the right of the accused to be heard or to present evidence in his defense before being sentenced. On the contrary, the provisions of Article III, section 1 (17) of the Constitution, guarantee to him that right. Such constitutional right is inviolate. No court of justice under our system of government has the power to deprive him of that right. If the accused does not waive his right to be heard but on the contrary invokes that right, and the court denies it to him, that court no longer has jurisdiction to proceed; it has no power to sentence the accused without hearing him in his defense; and the sentence thus pronounced is void and may be collaterally attacked in a habeas corpus proceeding.

4. **ID.; ID.; ID.**—Although the sentence against the petitioner is void for the reasons hereinabove stated, he may be held under the custody of the law by being detained or admitted to bail until the case against him is finally and lawfully decided. The process against him in criminal case No. 1472 may and should be resumed from the stage at which it was vitiated by the trial court's denial of his constitutional right to be heard. Up to the point when the prosecution rested, the proceedings were valid and should be resumed from there.

APPEAL from a judgment of the Court of First Instance of Leyte. **Baltasar, J.**

The facts are stated in the opinion of the court.

Francisco Astilla for appellant.

Assistant Solicitor General Ruperto Kapunan, Jr. and
Solicitor Isidro C. Borromeo for appellee.

OZAETA, J.:

This is an appeal from a decision of the Court of First Instance of Leyte denying the appellant's petition for habeas corpus.

In criminal case No. 1472 of the Court of First Instance of Leyte the herein petitioner Fidel Abriol, together with six other persons, was accused of illegal possession of firearms and ammunition. After the prosecution had presented its evidence and rested its case, counsel for the defense moved to dismiss the case on the ground of insufficiency of the evidence to prove the guilt of the accused. After hearing the arguments for and against the motion for dismissal, the court held the proofs sufficient to convict and denied said motion, whereupon counsel for the defense offered to present evidence for the accused. The provincial fiscal opposed the presentation of evidence by the defense, contending that the present procedural practice and laws precluded the defense in criminal cases from presenting any evidence after it had presented a motion for dismissal with or without reservation and after said motion had been denied, and citing as authority the case of *United States vs. De la Cruz*, 28 Phil., 279. His Honor Judge S. C. Moscoso sustained the opposition of the provincial fiscal and, without allowing the accused to present evidence

in their defense, convicted all of them and sentenced the herein petitioner to suffer seven years of imprisonment and to pay a fine of ₱2,000.

From that sentence the herein petitioner together with his coaccused appealed to the Court of Appeals. On June 7, 1948, the Court of Appeals, on its own motion and without notice to the appellants as required in section 8 of Rule 120 and in *Baradi vs. People*, G. R. No. L-2658, dismissed the appeal for failure of the appellants to file their brief within the extension of time granted them.

The present petition for habeas corpus was thereafter presented by Fidel Abriol against the provincial warden of Leyte, contending that the sentence entered against him in said criminal case No. 1472 was null and void because it had been rendered without due process of law. Judge Rodolfo Baltasar, who heard the petition for habeas corpus, denied it on the ground that, the judgment of conviction against the petitioner having become final, "this court is entirely devoid of jurisdiction over and power to modify or in any way alter said decision." From that decision of Judge Baltasar the petitioner has appealed to this Court.

1. The refusal of Judge Moscoso to allow the accused-petitioner to present proofs in his defense after the denial of his motion for dismissal was a palpable error which resulted in denying to the said accused the due process of law guaranteed in the Bill of Rights embodied in the Constitution, it being provided in Article III, section 1 (17), of the Constitution that in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel and to have compulsory process to secure the attendance of witnesses in his behalf. There is no law nor "procedural practice" under which the accused may ever be denied the right to be heard before being sentenced.

Both the fiscal and Judge Moscoso have misunderstood the ruling of this Court in the case of the *United States vs. De la Cruz*, 28 Phil., 279. In that case the accused-appellant assigned as error the denial by the trial court of the motion for dismissal presented by the defense after the evidence for the prosecution had been closed, although the court heard the evidence for the defense before rendering judgment. In refutation of said assignment of error the Attorney General cited the case of *United States vs. Abaroa*, 3 Phil., 116, wherein the following principle was laid down: "After the prosecution rests, the court should not dismiss the case on motion for insufficiency of proof but should require defendant to present evidence in his own behalf." In that connection the Court observed that the ruling in the Abaroa case was handed down in December, 1903, and before the decision in the Kepner case, when the Government was permitted to appeal from dismissals and final judgments in criminal cases. Said the Court:

“* * * It was then held that the practice of dismissing the case immediately after the evidence for the prosecution had been closed ought not to be followed, for when the order of dismissal was appealed from and this higher court sustained the conviction of the accused on that evidence of the prosecution he would have been convicted without having been heard in his own defense, which would work an injustice; and when to avoid this difficulty the order of dismissal was overruled and the case returned for rehearing, another difficulty would be encountered, which is that of subjecting the accused a second time to another trial without action on his part and without need, since all the evidence could and should have been taken at the trial already held, and with the additional risk of all the inconveniences of delay. In this state of affairs the Supreme Court of the United States rendered the decision in the case of *Kepner vs. U. S.* (195 U. S., 100; 11 Phil., 669), and since then the situation assumed and disposed of in *United States vs. Abaroa* cannot be considered, for the Government cannot now appeal from an order sustaining the motion to dismiss presented by the defense after the evidence for the prosecution has been closed, on the ground of insufficiency thereof.

“Even now, after the *Kepner* case, it is no ground for error that the Court of First Instance denied the motion for dismissal presented immediately after the evidence for the prosecution had been closed because the defense believed it to be insufficient; for the reason that, as in this case, the court did not hold it to be insufficient—it was under no obligation so to hold it—and it could continue the trial and take the evidence for the defense in order to reach the conclusion induced in its opinion by the allegations and the evidence, or as it did conclude in this case by sentencing the defendant on the evidence for the prosecution, which it held to be sufficient.” (28 Phil., 282-283.)

Now that the Government cannot appeal in criminal cases if the defendant would be placed thereby in double jeopardy (sec. 2, Rule 118), the dismissal of the case for insufficiency of the evidence after the prosecution has rested terminates the case then and there. But if the motion for dismissal is denied, the court should proceed to hear the evidence for the defense before entering judgment, regardless of whether or not the defense had reserved its right to present evidence in the event its motion for dismissal be denied. The reason is that it is the constitutional right of the accused to be heard in his defense before sentence is pronounced on him. Of course if the accused has no evidence to present or expressly waives the right to present it, the court has no alternative but to decide the case upon the evidence presented by the prosecution alone.

In the case of *People vs. Moro Mamacol* (46 Off. Gaz. [Supp. to No. 1], 341) the accused, without reserving the right to present evidence, moved for the dismissal of the case after the prosecution had rested. The court denied the motion and, without allowing the accused to present his evidence, sentenced him to suffer life imprisonment for the crime of murder of which he was accused. On appeal this Court, although finding that the evidence for the prosecution was sufficient for conviction, set aside

the judgment and ordered the case remanded to the lower court to allow the accused to present his proofs.

In civil cases, where either or both of the parties can appeal, the ruling is different from that in criminal cases. If the defendant moves for dismissal on the ground of insufficiency of the evidence after the plaintiff has rested and the court grants the motion, and if on appeal by the plaintiff the judgment is reversed, the case is terminated then and there; that is to say, it is not remanded to the court of origin for the purpose of allowing the defendant to produce evidence in his defense. "The defendant in offering a motion to dismiss in effect elects to stand on the insufficiency of the plaintiff's case." (Moody, Aronson & Co. vs. Hotel Bilbao, 50 Phil., 198; Demeterio vs. Lopez, 50 Phil., 45; Arroyo vs. Andrea Azur, 43 Off. Gaz., 54.) However, if the court denies the motion to dismiss, it is not precluded from receiving evidence for the defendant, and the plaintiff cannot by mandamus compel it to render judgment without hearing the evidence for the defense. (Cotaoco vs. Dinglasan, G. R. No. L-2004, May 24, 1949.)

2. The main question to decide is whether the writ of habeas corpus lies in a case like the present. The general rule is that the function of a writ of habeas corpus in permitting the petitioner to challenge by collateral attack the jurisdiction under which the process or judgment by which he is deprived of his liberty was issued or rendered cannot be distorted by extending the inquiry to mere errors of trial courts acting within their jurisdiction. (25 Am. Jur., Habeas Corpus, sec. 13, p. 152.) This principle, however, has been qualified in the sense that it "is not to be so applied as to destroy constitutional safeguards of human life and liberty." (Johnson vs. Zerbst, 304 U. S., 458; 82 Law. ed., 1461.)

Appellant relies upon the case of Schields vs. McMicking, 23 Phil., 526. That case, however, was reversed in McMicking vs. Schields, 238 U. S., 99; 59 Law. ed., 1220; 41 Phil., 971. The petitioner Schields was accused of theft in the municipal court of Manila on December 1, 1910. There he was duly arraigned, tried, convicted, and sentenced. He appealed to the Court of First Instance of Manila on December 21, 1910. On December 23 he received notice that the case would be heard at ten o'clock a.m. on the 24th. When he was arraigned on the last-mentioned date he asked for time in which to answer the complaint, which request was denied by the court, who ordered the clerk to enter on the record that the petitioner pleaded not guilty to the complaint. Thereupon the petitioner's attorney also asked for time in which to prepare a defense, which petition was also denied by the same court. The petitioner's attorney excepted to this ruling and asked that the exceptions, together with the requests of the

After the trial, during which the accused presented witnesses in his defense, the Court of First Instance found him guilty and sentenced him to four months and one day of *arresto mayor*. In denying the petitioner's request for time in which to prepare his defense, the trial court said:

"At the beginning of the trial the defendant asked for further time to prepare, and invoked certain sections of General Order No. 58, which, in our judgment, were not applicable to this case. The prosecution did not file a new complaint in this court. Defendant was tried on the identical complaint which was presented in the court below as long ago as December 1st. To that complaint, as the record shows, he pleaded not guilty, and having further brought this case here on appeal, the presumption is that such plea continued, and to allow delays for the reiteration of such a plea would be an empty formality. The law does not require a vain and useless thing, and the provisions in question must be construed as applying to cases where a new complaint is filed in this court. But aside from this, we think that the time of trial caused no prejudice to the accused. As we have seen, the complaint was filed on December 1st, and the accused had more than three weeks to prepare before the trial in this court. During this period there were evidently one or more continuances, and finally, it seems, the defendant had to be called into the municipal court by a bench warrant. Upon bringing the case here it was incumbent upon him to follow it up and to be ready and waiting its disposition by this court. Notice of the trial was sent both to him and to his counsel the day before, and it was not claimed that defendant could have produced any further testimony if the case had been postponed. On the contrary it appears that he called one witness who did not testify in the court below. After all, the question in the case is mainly one of law. The principal controversy as to the facts relates to the question of the alleged permission to take articles, and this, as we have seen, would not have excused the defendant, even had it been proved, though he admits that himself and Frandom are the only witnesses on that point."

This court granted the petition for habeas corpus and ordered the discharge of the petitioner from confinement on the ground that under section 30 of General Orders No. 58 the accused, on demand, had the right to at least two days in which to prepare for trial and that the refusal of the time in which to prepare for trial was equivalent to the refusal of a legal hearing. On appeal by the respondent Director of Prisons to the Supreme Court of the United States, the latter reversed the judgment. Said that court:

"We are unable to agree with the conclusion of the Supreme Court that the judgment pronounced by the Court of First Instance was void and without effect. Under the circumstances disclosed denial of the request for time to answer and to prepare defense was at most matter of error which did not vitiate the entire proceedings. The cause—admitted to be within the jurisdiction of the court—stood for trial on appeal. The accused had known for weeks the nature of the charge against him. He had notice of the hearing, was present in person and represented by counsel, testified in his own behalf, introduced other evidence, and seems to have received an impartial hearing. There is nothing to show that he needed further time for any proper purpose, and there is no allegation that he

by being forced into trial. But for the sections in respect of procedure quoted from General Order No. 58, it could not plausibly be contended that the conviction was without due process of law. The Court of First Instance placed no purely fanciful or arbitrary construction upon these sections and certainly they are not so peculiarly inviolable that a mere misunderstanding of their meaning or harmless departure from their exact terms would suffice to deprive the proceedings of lawful effect and enlarge the accused * * *

It will be noted that in said case the fact that the cause stood for trial *on appeal* from the municipal court; that the accused had known for weeks the nature of the charge against him; that he had notice of the hearing, was present in person and represented by counsel, testified in his own behalf, introduced other evidence, and seems to have received an impartial hearing; that there was nothing to show that he needed further time for any proper purpose; and that there was no allegation that he desired to offer additional evidence or suffered substantial injury by being forced into trial—weighed heavily against the pretension of the petitioner that the sentence entered against him was void for lack of due process of law.

There is no analogy between the facts of that case and those of the present case.

A more pertinent and analogous case is that of *Johnson vs. Zerbst*, 304 U. S., 458; 82 Law. ed., 1461. Johnson was indicted by the grand jury for feloniously uttering, passing, and possessing counterfeit Federal Reserve notes. Upon arraignment, he pleaded not guilty, said that he had no lawyer, and—in response to an inquiry of the court—stated that he was ready for trial. He did not ask for and was not provided with the assistance of counsel. He was tried, convicted and sentenced to four and one-half years of imprisonment. Subsequently he petitioned for habeas corpus. Although the Federal District Court believed that the petitioner was deprived, in the trial court, of his constitutional rights to have the assistance of counsel for his defense, it denied the petition for habeas corpus, holding that the proceedings “were not sufficient to make the trial void and justify its annulment in a habeas corpus proceeding, but that they constituted trial errors or irregularities which could only be corrected on appeal.” The Circuit Court of Appeals affirmed that judgment; but the Supreme Court on certiorari reversed it. We quote the pertinent portions of its *ratio decidendi*:

“The purpose of the constitutional guaranty of a right to Counsel is to protect an accused from conviction resulting from his own ignorance of his legal and constitutional rights, and the guaranty would be nullified by a determination that an accused’s ignorant failure to claim his rights removes the protection of the Constitution. True, habeas corpus cannot be used as a means of reviewing errors of law and irregularities—not involving the question of jurisdiction—occurring during the course of trial; and the ‘writ of habeas corpus cannot be used as a writ of error.’ These principles, however, must

"Since the Sixth Amendment constitutionally entitles one charged with crime to the assistance of Counsel, compliance with this constitutional mandate is an essential jurisdictional prerequisite to a Federal Court's authority to deprive an accused of his life or liberty. When this right is properly waived, the assistance of Counsel is no longer a necessary element of the court's jurisdiction to proceed to conviction and sentence. If the accused, however, is not represented by Counsel and has not competently and intelligently waived his constitutional right, the Sixth Amendment stands as a jurisdictional bar to a valid conviction and sentence depriving him of his life or liberty. A court's jurisdiction at the beginning of trial may be lost in the course of the proceedings due to failure to complete the court—as the Sixth Amendment requires—by providing Counsel for an accused who is unable to obtain Counsel, who has not intelligently waived this constitutional guaranty, and whose life or liberty is at stake. If this requirement of the Sixth Amendment is not complied with, the court no longer has jurisdiction to proceed. The judgment of conviction pronounced by a court without jurisdiction is void, and one imprisoned thereunder may obtain release by habeas corpus. * * * (82 Law. ed., 1467-1468.)

We have already shown that there is no law or precedent which could be invoked to place in doubt the right of the accused to be heard or to present evidence in his defense before being sentenced. On the contrary, the provisions of the Constitution hereinabove cited expressly and clearly guarantee to him that right. Such constitutional right is inviolate. No court of justice under our system of government has the power to deprive him of that right. If the accused does not waive his right to be heard but on the contrary—as in the instant case—invokes that right, and the court denies it to him, that court no longer has jurisdiction to proceed; it has no power to sentence the accused without hearing him in his defense; and the sentence thus pronounced is void and may be collaterally attacked in a habeas corpus proceeding.

3. There is no doubt that if the petitioner had prosecuted his appeal to a successful conclusion, the sentence against him would have been set aside and the case would have been remanded to the trial court to allow him to present his proofs, as was done in the case of *People vs. Mamacol*, *supra*. We make this observation to show that the petitioner cannot by this habeas corpus proceeding secure a greater relief than he could have obtained by appeal, and that in any event he is only entitled to the restoration of the right of which he has been unlawfully deprived, namely, the right to present evidence in his defense. Under section 17 of Rule 102, a person who is set at liberty upon a writ of habeas corpus shall not be again imprisoned for the same offense unless by the lawful order or process of a court having jurisdiction of the cause or offense. Although the sentence against the petitioner is void for the reasons hereinabove stated, he may be held under the custody of the law by being detained or admitted to bail until the case against him is finally and lawfully decided. The pro-

be resumed from the stage at which it was vitiated by the trial court's denial of his constitutional right to be heard. Up to the point when the prosecution rested, the proceedings were valid and should be resumed from there.

Under the title "Proceedings and Relief" and subtitle "Judgment and Costs" on the subject of Habeas Corpus, American Jurisprudence says: "After the hearing, the court should dispose of the petitioner in such manner as the justice of the case may require; he may be discharged, remanded, or admitted to bail * * * Even though a petitioner is entitled to be relieved of the particular restraint under which he is held, he may, if there is sufficient cause for his detention, be restrained until valid proceedings against him may be taken." (Sections 152 and 154.)

Wherefore, in view of the nullity of the sentence under which the petitioner has been committed to imprisonment by the respondent, the judgment appealed from is reversed and the writ prayed for is granted. The respondent shall discharge the petitioner unless within fifteen days from the promulgation of this decision the provincial fiscal of Leyte should move the lower court to reset for trial said criminal case No. 1472 to allow the petitioner to present his evidence and the trial court to decide said case anew. Pending such new trial, the petitioner may be admitted to bail.

It is so ordered, without costs.

Moran, C. J., Parás, Feria, Montemayor, and Torres, J.J., concur.

REYES, J., dissenting:

This is a petition for habeas corpus.

The petitioner was sentenced to prison by the Court of First Instance of Leyte for illegal possession of firearms and ammunition. From this sentence he appealed to the Court of Appeals; but the appeal was there dismissed because of his failure to file a brief. And as no steps were taken to have the appeal reinstated, the sentence was in due time declared final. This was on June 22, 1948. Committed to prison to serve his sentence, petitioner, on December 3, 1948, filed the present petition for habeas corpus in the Court of First Instance, and the petitioner having been denied by that court, the case is now before us on appeal.

The petitioner challenges the validity of the sentence of conviction imposed upon him on the ground that his constitutional right was violated when the lower court, after denying his motion to dismiss for alleged insufficiency of the prosecution's proof, refused to allow him to present his own evidence, holding that his right to do so was waived by his motion for dismissal. It was, of course, error for the trial court to deny him that right, and the

ecuted his appeal to its conclusion. But this he did not do, and the question now is whether, notwithstanding what has happened, the correction may still be made through habeas corpus proceedings, whose only purpose in law is to determine whether or not a person alleged to be illegally detained is entitled to release. Disregarding the legal purpose of this remedy, the majority of the Court has granted the writ but has denied liberty to the petitioner, remanding the case to the court below for further proceedings. Actually, what the majority has done is to allow the remedy of habeas corpus to perform the functions of an appeal that is now dead and can no longer be revived. To this I cannot agree.

No rule is better settled than that habeas corpus is not a corrective remedy. It cannot be used for correcting errors or irregularities of procedure which are not jurisdictional. (25 Am. Jur., par. 28.) It does not take the place of an appeal. (*Abanilla vs. Villas*, 56 Phil., 481.) And even if the error sought to be corrected may have the effect of voiding a judgment, so long as the court that rendered that judgment had jurisdiction, habeas corpus may not be invoked to correct the error. The proper remedy is by appeal or certiorari.

Thus, in the case of *Domingo vs. Director of Prisons*, 44 Off. Gaz., 2201, where an attempt was made through habeas corpus proceedings to invalidate a judgment of conviction rendered on a plea of guilty when, so it was alleged, no such plea was properly entered by the accused, this Court, through its Chief Justice, said:

“* * *. The trial court had jurisdiction over the offense and of the person of the accused, and, therefore, it had jurisdiction to try the case and render judgment therein. The allegation, if true, that the judgment of conviction was rendered without a plea of guilty properly entered by the accused to the lesser offense of homicide, is merely a defect of procedure, not of jurisdiction, though it may have the effect of voiding the judgment. And this error of procedure cannot be reviewed in habeas corpus proceedings wherein the only issue is whether or not the petitioner is entitled to release. And the petitioner is not entitled to release even if we have power to set aside the judgment upon the ground aforementioned, for, in such event, the proper procedure would be to reopen the criminal case and order the trial court to proceed further as if no judgment has ever been entered therein, that is, it must arraign the accused for the lesser offense of homicide after the information is duly amended, then try the case if the accused pleads not guilty, and the latter in the meantime should remain in confinement if he is not on bail. But this correction of procedure can be done only in an appeal or in an action for certiorari wherein the trial court is made respondent and is amenable to our orders.”

In the present case, there is no question that the lower court had jurisdiction to try the case against the petitioner for illegal possession of firearms and to convict him therefor. The court committed a legal error when it convicted petitioner without allowing him to present his evidence.

only an error in procedure, which could have been corrected by appeal. In fact, petitioner took the first steps to have the error so corrected, except that he later abandoned the appeal by not presenting a brief. And though notified on June 9, 1948, of the dismissal of his appeal, he did nothing to have the dismissal reconsidered, and his petition for habeas corpus was not filed until December 3, 1948, that is, about six months later, when he had already been serving sentence for sometime. As said by this Court in the case of *Domingo vs. Director of Prisons, *supra**, "this passive attitude is an indication of conformity with the proceedings and that the petition (for habeas corpus) is but an afterthought."

The accused in a criminal case has the undoubted right to present evidence on his behalf. But this right may be waived at any stage of the case, and the waiver may be express or implied. Petitioner in the present case could have insisted on the preservation of that right when he appealed to the Court of Appeals. But since he gave up the appeal and commenced to serve his sentence, the natural interpretation of his attitude is that he no longer cared to have the error corrected and go through further trial, thereby impliedly waiving his right to present evidence if he had any.

The case of *Johnson vs. Zerbst*, 304 U. S., 458; 82 Law. ed., 1461, relied on in the majority opinion is hardly applicable to the present case. There the accused was denied his constitutional right to have the assistance of counsel at the trial and the Supreme Court of the United States held that the recognition of that right was a prerequisite to the court's jurisdiction, so that when the right was denied the judgment of conviction was void as having been rendered without jurisdiction. It is obvious that the denial of the right to the assistance of counsel in that case was an error which vitiated the entire proceedings of the trial court and made a new trial inevitable. Annulment of the whole proceedings taken while the accused had no legal counsel was, therefore, proper. In the case at bar, as the majority opinion itself rules, the whole proceedings below did not have to be annulled, so that the case had to be remanded to the trial court for the reception of defendant's evidence. The question of jurisdiction is not at all in issue and seems to have been invoked merely as an excuse to justify recourse to habeas corpus as a remedy for correcting a procedural mistake.

I therefore vote for the dismissal of this petition and the confirmation of the judgment below.

BENGZON and TUASON, JJ.:

We concur in the foregoing dissenting opinion of Mr. Justice Reyes.

Judgment reversed; case remanded with instructions.

DECISIONS OF THE COURT OF APPEALS

[No 859-R. February 25, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
CONCEPCIÓN LUNARIO, accused and appellant

CRIMINAL LAW; EVIDENCE; INTEREST OR RELATIONSHIP; THEIR EFFECT ON WEIGHT OF TESTIMONY.—Neither natural interest nor mere relationship can detract from the weight of testimonies which are otherwise reasonable and logical (U. S. *vs.* Sarte, 8 Phil., 737; U. S. *vs.* Pagaduan, 37 Phil., 92; U. S. *vs.* Mante, 27 Phil., 138; People *vs.* Moro Addi et al., CA-G. R. No. 145, Dec. 7, 1946; and People *vs.* Cabantog, 49 Phil., 482).

APPEAL from a judgment of the Court of First Instance of Manila. Barrios, J.

The facts are stated in the opinion of the court.

Jose G. Flores for appellant.

Assistant Solicitor General Guillermo E. Torres and *Solicitor Federico V. Sian* for appellee.

TORRES, Pres. J.:

The above-named defendant, Concepción Lunario, was prosecuted in the Court of First Instance of Manila, for grave slander, and after trial, the court found her guilty of said charge, covered by article 358 of the Revised Penal Code, and sentenced her to an indeterminate penalty ranging from one (1) month and one (1) day of *arresto mayor* to one (1) year and one (1) day of *prisión correccional*, with the accessory penalties and to pay the costs. She appealed from said judgment and in this instance, she assigns several errors which concerned the evaluation made by the trial court of the evidence upon which she was convicted.

From our perusal of the evidence, we understand that on August 26, 1946, Concepción Lunario, the herein appellant, and Agripina Baluyot, and their respective next of kin were occupying the house numbered 1073, Castillejos Street, Quiapo District, Manila. At about 8 o'clock in the evening of said date, Amelia Garchitorena, 13-year old daughter of Agripina Baluyot was in one of the rooms of said house and was teaching her younger brothers who were writing on the blackboard. From the other side of the partition separating the room where Amelia Garchitorena was teaching her younger brothers, Nora, a 2-year old daughter of the accused Concepción Lunario was disturbing Amelia Garchitorena by pounding pebbles on the partition where the blackboard was. Amelia Garchitorena told Nora that she should keep quiet and should not disturb her. Amelia further called the attention of appellant as to what her daughter was doing but appellant said that she

Then Amelia reminded Concepción Lunario that she has parental authority over her child and should, therefore, stop her from annoying them. The last remark of Amelia apparently piqued the appellant who immediately uttered in the Tagalog language certain words which in English mean: "Better stop, Amelia, you are cross-eyed; why don't you follow the ways of the strumpet like your mother." The offended party Agripina Baluyot was in the kitchen, heard those insults and leaving the kitchen, said also in Tagalog the following: "You might not be able to prove your statements." (English translation). But appellant retorted: *Bakit hindi, ang katunayan, ang kabuntisan mo hindi mo alam kung sino sa mga pupilo mo ang magiging kamukha* ("Why not; the truth is that it is not known who among your boarders is the father of the child you are now bearing"). She further made another remark which in English means: "I shall reveal everything about you", and added that Agripina had illicit relations with her brother-in-law and that said offended party used to ask money from her paramour. Agripina Baluyot not being used to this kind of quarrel, did not lose her composure and stated that she was going to bring this matter to the court. This incident took place in the presence of about fifteen to twenty other occupants of the house.

During the trial, the appellant denied having uttered those insulting words regarding Agripina Baluyot. She said that she told her daughter, Nora, to stop disturbing Amelia Garchitorena, the daughter of the offended party, that afterwards, Amelia's brother Manolito hit Nora who in turn shouted at Manolito. They quarreled and the appellant tried to stop them but Pacita, a sister of Amelia intervened. According to appellant, offensive and ugly words were uttered by both sides, during which the offended party joined her children admonishing them that they better stop, otherwise she will have to take part in the fight. Upon such version of the incident, the accused expected to convince the lower court that she was the aggrieved party, not the offender. Nevertheless, if her contention were based on the facts, she would have presented any criminal charge against Agripina Baluyot or any of her children. Moreover, it will be recalled that any doubt that may exist as regards her guilt is dispelled by her act of begging forgiveness from Basilia Laaman, mother of Agripina, for the remarks that she uttered against the latter.

It is contended by counsel that the testimonies of Amelia Garchitorena, daughter of the offended party and Basilia Laaman, should have not been given any weight by the lower court because of their close relationship with Agripina. Such objection has several times before been resolved adversely by the Supreme Court when the latter

can detract from the weight of testimonies which are otherwise reasonable and logical (*U.S. vs. Sarte*, 8 Phil., 737; *U.S. vs. Pagaduan*, 37 Phil., 92; *U.S. vs. Mante*, 27 Phil. 138). In *People vs. Moro Addi et al.*, (CA-G. R. No. 145, Dec. 7, 1946) and *People vs. Cabantog*, 49 Phil., 482, it was held that a son living with the offended party is not disqualified from testifying in favor of the latter.

There is not the least of doubt that the words and phrases quoted elsewhere in this decision and addressed by this appellant at the offended party constitute offensive and scurrilous epithets because they impute unchastity and dissolute conduct on the part of the offended party (*U.S. vs. Tolosa*, 37 Phil., 166). They constitute grave slander under the provisions of article 358 of the Revised Penal Code, which punishes its violation by *arresto mayor* in its maximum period to *prisión correccional* in its minimum period. Pursuant to the provisions of the Indeterminate Sentence Law, as amended, and in the absence of any modifying circumstance, the indeterminate sentence imposed upon to this appellant by the lower court is within the range provided by law.

We, therefore, affirm said judgment with costs.

Endencia and Felix, JJ., concur.

Judgment affirmed.

[No. 2048-R. February 25, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee,
vs. CIPRIANO DATINGUINO, defendant and appellant

CRIMINAL LAW; HOMICIDE; SELF-DEFENSE; WEAPON WRESTED FROM ATTACKER MAY BE USED AGAINST HIM.—In this jurisdiction it is well-settled that when one is attacked with a deadly weapon and succeeds in wresting it from his assailant, he has the right to use it against his opponent and render him powerless for in the same way that he succeeded in wresting the weapon, his assailant might succeed in regaining the possession of the same and use it against him.

APPEAL from a judgment of the Court of First Instance of Batangas. Victoriano, J.

The facts are stated in the opinion of the court.

Eduardo de Leon, Jr. for appellant.

First Assistant Solicitor General Roberto A. Gianzon and *Solicitor Manuel Tomacruz* for appellee.

BORROMEO, J.:

The reversal of the judgment of conviction rendered by the Court of First Instance of Batangas and, consequently, the acquittal of the defendant are sought in this appeal on the ground that the evidence on record accepted by the trial court justifies a conclusion that the appellant who is accused in this case of the crime of homicide, acted in self-defense in killing Agustin Dalisay on or about Feb-

ruary 2, 1946, at barrio Gamao, municipality of Bauan, Batangas.

This evidence is summarized in appellant's brief, accepted by the appellee, as follows: That in the morning of February 2, 1946, Cipriano Distinguino, the herein appellant, left Calapan, Mindoro, for barrio Gamao, Bauan, Batangas, with three hogs and arrived at the latter place at about four o'clock in the afternoon. Upon reaching barrio Gamao, appellant left the pigs in front of the house of one Esteban Chavez and went to the house of his father, two kilometers away, to get some hog feed. At his father's house he ate supper and then returned with the feed to the place where he had left the pigs. On the way it was dark and he sensed that someone was following him. When he looked back, somebody stabbed him on the back of his left shoulder. He exhibited to the Court a scar about $\frac{1}{2}$ inch long on the left scapular region. Caught by surprise on being wounded, he jumped forward, but immediately afterwards he again received another stab wound on the back of his left side, and exhibited to the Court a one-inch scar on the left lumbar region. Then he faced his assailant and in so doing the latter again stabbed him but missed as he was able, with his left hand, to get hold of assailant's right hand which was holding the knife, and twisted assailant's hand at the same time pushing it downwards and as a result, appellant was wounded on his left thigh. Appellants exhibited to the Court a scar $\frac{1}{2}$ inch long on the distal third femur external surface. At this juncture, with the help of his right hand he twisted and pushed the assailant's right hand downwards, then with his right hand he was able to get hold of the assailant's knife. At this point, he faced his assailant and recognized him to be the deceased Agustin Dalisay, who then embraced him in an attempt to get back the knife. In this position they struggled for some moments, with Agustin Dalisay pushing appellant until the latter was about to fall down backwards. Appellant, to free himself, with his right hand, stabbed his assailant, Agustin Dalisay, in the back towards the left side with the knife (Exhibit 2) which he had succeeded in seizing from his attacker. Agustin Dalisay fell and once free, appellant went to the house of Silverio Abarquez and called him saying that he was wounded. Abarquez invited him to go upstairs where appellant requested him to report to the barrio lieutenant, Arcadio de Chavez, what had happened. The barrio lieutenant went to the house to make inquiries and appellant delivered to him the knife which he had seized from his assailant. The barrio lieutenant corroborated this part of the testimony of the appellant. Dr. Gregorio Arreglado corroborated the appellant's testimony relative to his wounds.

In rejecting the evidence for the prosecution and accepting that of the defense, the trial court said:

"The Court after examining the evidence on both sides finds that the theory advanced by the defense is more credible. The testimony of the prosecution witness Juan Dalisay, cannot be given credit because while in court he said that he saw and described the attack by the accused on Agustin Dalisay, in his affidavit Exhibit 1 before the Justice of the Peace of Bauan, he said he did not see how the fight took place as he hid himself and simply heard what was going on. So that the only direct evidence for the prosecution that was left is the testimony of Paulino Dalisay, a boy 13 years old and a cousin of the complainant, Agustin Dalisay. He said that the accused, with a penknife, attacked Agustin Dalisay who kept on retreating until he was forced to fight back with a knife, Datinguinoo. In the course of the retreat Dalisay fell down, face downward, and at this juncture the accused stabbed him once on the back. If this were true, where is the knife with which Datinguinoo stabbed Dalisay? Besides, if the accused really attacked Dalisay this way why is he going to be satisfied in stabbing him once on the back. Why did he not stab him several times to be sure that he was dead? What was the motive for the stabbing? According to both sides, the pig question. But there was more reason for the deceased to take revenge on the accused because, he (deceased) received a "black eye" and several bruises in one of the prior encounters with the accused. On the other hand, according to the defense, the accused was suddenly attacked from behind by the deceased who was able to wound him on the back. This is corroborated by the knife Exhibit 2 of the defense which belongs to the deceased and the wounds which the accused exhibited in Court."

The Court *a quo*, nevertheless, concluded in the conviction of the defendant stating the following:

"But, however, the accused according to his own statement in court stabbed the deceased once on the back which caused death, to prevent him from repossessing the knife, Exhibit 2 which the accused was able to wrest away from Dalisay, and which on the occasion he had already in his possession. There was then no need for him to do this, as there was no more danger on his life as Agustin Dalisay was already unarmed, besides the accused was bigger and stronger than the deceased. Therefore, he became responsible for the consequence of his acts, as Agustin Dalisay, according to Dr. Lauro M. Arreglado, died of hemorrhage as a result of this wound.

"In view of the foregoing, the court finds the accused, Cipriano Datinguinoo, guilty beyond reasonable doubt of the crime of homicide as alleged in the information, and taking into account in his favor the following mitigating circumstances viz.; sufficient provocation on the part of the deceased immediately preceding the stabbing, voluntary surrender, and a lack of instruction, sentences him to suffer an indeterminate penalty ranging from four (4) years, two (2) months, and one (1) day of *prisión correccional* to eight (8) years of *prisión mayor*, to other accessories of the law, to indemnify the heirs of the deceased, Agustin Dalisay, in the amount of P2,000 without subsidiary imprisonment in case of insolvency by reason of the nature of the principal penalty imposed upon him, and to pay the costs of the proceedings."

We cannot agree with the judgment of conviction. A perusal of the record shows conclusively that this case is one of legal homicide, therefore the defendant should have been acquitted in the court of origin.

It is proven that the appellant, in the darkness of the night, was caught by surprise and completely unaware when he was attacked with a deadly weapon, the knife Exhibit 2. The deceased treacherously inflicted on him two wounds in the back, and when he faced his assailant, the latter stabbed him for the third time but was able to take hold of his enemy's hand which was holding the knife. Again, in the struggle for its possession, the herein defendant-appellant, was wounded for the third time before he succeeded in wresting the weapon from his adversary. The struggle continued as the assailant embraced the appellant trying to retake possession of his knife. Under the circumstances, the appellant was perfectly justified in killing his assailant. As the trial court itself declared in its findings, "the accused, according to his own statement in court, stabbed the deceased once on the back which caused death, to prevent him from repossessing the knife, Exhibit 2, which the accused was able to wrest away from Dalisay, and which on the occasion he had already in his possession." So that it is obvious that he had the right to use it against his opponent and render him powerless. In this jurisdiction it is well-settled that when one is attacked with a deadly weapon and succeeds in wresting it from his assailant, he has the right to use it against his opponent and render him powerless for in the same way that he succeeded in wresting the weapon, his assailant might succeed in regaining the possession of the same and use it against him.

The intention of the deceased to attack again and kill the appellant was apparent from the fact that notwithstanding that the knife was already in the possession of the latter, the aggressor embraced him and continued to struggle for the possession of the weapon.

Therefore, the three elements required by article 11 of the Revised Penal Code, being present in this case, the appellant in killing Agustin Dalisay did not incur any criminal liability. He acted in self-defense.

The judgment appealed from is hereby reversed. Appellant is acquitted with costs de oficio.

Reyes and Gutierrez David, JJ., concur.

Judgment reversed; appellant acquitted with costs de oficio.

[No. 1590-R. February 26, 1949]

JORGE MARTIN, plaintiff and appellant, *vs.* HONESTO MÁNUEL, defendant and appellee¹

PURCHASE AND SALE; PACTO DE RETRO SALE; REDEMPTION; OFFER TO REDEEM NOT ACCCOMPANIED BY TENDER OF MONEY, INEFFECTUAL.—No money having been tendered nor offered by the plaintiff

¹ See resolution of the Supreme Court, G. R. No. L-2932 dated May 22, 1948. It was dismissed for lack of merit.

to the defendant, plaintiff's offer to redeem the land was ineffectual and did not preserve his right to repurchase the land in question after the expiration of the period of redemption stipulated in the deed of sale with *pacto de retro*.

APPEAL from a judgment of the Court of First Instance of Tarlac. De Guia, J.

The facts are stated in the opinion of the court.

Esliza, Monta & Bauzon for appellant.

Victoriano V. Valle for appellee.

ENDENCIA, J.:

This is an action instituted by the plaintiff and appellant to compel the defendant and appellee to accept the repurchase price of ₱2,450 and to execute the corresponding deed of reconveyance of the land described in the complaint which plaintiff sold to the defendant under a deed of sale with *pacto de retro*, offered in evidence as Exhibit A. After trial, the lower court dismissed the complaint on the ground that the plaintiff failed to exercise the right of redemption within the five years stipulated in Exhibit A. Thereupon, plaintiff perfected his appeal, and in this instance, he claims that the lower court erred:

"I. In declaring that the redemption period of five years already expired when the plaintiff-appellant took steps to repurchase the land in question.

"II. In holding that there is nothing in evidence to show that the plaintiff-appellant had consigned in court or somewhere else, the amount of ₱2,450 for the repurchase.

"III. In giving more credit and appreciation to the testimonies of the defendant-appellee's witnesses, over those of the plaintiff-appellant himself and his witnesses, and further stating that this action has been instituted for no good reason whatsoever, and is frivolous."

Plaintiff contends that in accordance with the afore-quoted Exhibit A he had the right to redeem the land within five years from November 29, 1937; that on November 26, 27, 28 and 29, 1942, and even in the year 1943 before the filing of the complaint, he tried to redeem the land by offering to the defendant the repurchase price, but the latter refused to allow its redemption. Defendant in turn claims that plaintiff never tried to redeem the land and that upon the expiration of five years he consolidated the ownership of said land and secured the issuance in his name of the transfer certificate of title, Exhibit 2.

As could be seen, the question involved in this case is narrowed to the following proposition: whether the plaintiff has really tried to redeem the land in question within the period of five years stipulated in Exhibit A, or whether he failed to do so. It is undisputed that before the institution of the present action the land in question was already registered in the name of the defendant, and that the complaint in this case was filed on December 15, 1943, or after the lapse of one year from the expiration of the

five year period of redemption agreed upon in Exhibit A, so that if the plaintiff never offered to redeem the land in question within the time agreed upon, as the defendant so alleges, plaintiff has absolutely no cause of action against the defendant and consequently the dismissal of the case by the trial court was proper and justified. On the other hand, were it true that plaintiff, as he so affirms, took steps to exercise his right of redemption in due time, the present case should prosper, and the defendants compelled to execute the deed of resale of the land in question, and the transfer certificate (Exhibit 2) substituted by another one issued in favor of plaintiff-appellant.

In support of his contention, plaintiff testified in his behalf and presented his witnesses, Epifanio Salvador and Gualberto Matabang. Plaintiff and witness Epifanio Salvador tried to show that on November 26, 27, 28 and 29, 1942, plaintiff went to see the defendant Honesto Manuel and offered the latter to redeem the land but said defendant did not allow the redemption. Gualberto Matabang, in turn, testified that Exhibit A although executed in the form of sale with *pacto de retro*, was in truth and in fact a deed of mortgage. The trial court gave no credence to these testimonies and accordingly declared that no attempt to redeem the land was ever made by the plaintiff, and that the latter had no cause of action against the defendant. We have carefully examined the testimonies of Epifanio Salvador and Jorge Martin and we find that the ruling of the trial court was correct. Upon scrutiny of said testimonies, it appears that on November 22, 1942, plaintiff made no *bona fide* offer of redemption, and that even conceding that on the dates mentioned above, plaintiff was able to see and talk to the defendant, he made at no time any tender of payment. Plaintiff testified on the matter as follows:

"Q. Will you please explain to the Court fully how you tried to exercise your right in the repurchase of the property in question within the five-year period as stipulated in said instrument?—
A. One day, in the middle of the month of November, 1942, I met in the market the defendant herein and I told him that I was ready to pay him my indebtedness and that one of these days I intended to go to his house and give him the money to which he answered me 'yes'. So, one day, November 26, I invited my brother-in-law Salvador to go to the house of the defendant; we went. As soon as we reached there Mr. Manuel and I reiterated to him that I was ready to pay him back my indebtedness to which he said 'yes' and added that he would accept the payment and return to me my land because, according to him, he did not have the least intention to get for himself the land because the right to repurchase it is stipulated in the contract. The repurchase was not consummated that day. Then he told me he would come to me the next day to my house. My brother-in-law and I waited for Honesto Manuel, and we have been waiting for him until 11 o'clock and up to 12 o'clock. When he did not come until up to two o'clock in the afternoon on said day, we decided and went to the house of the defendant. Yes,

we went but we did not meet him there, instead we met there only some children playing around the premises of the house, so we inquired from them where was he and his wife. The children said that they did not know exactly where they were but added that maybe they were in the *barrio*. When the sun was about to set, we went home. The next morning we again went to his house. Again we did not meet him in his house. On the 28th and 29th we again went to his house but we did not meet him again." (t.s.n., pp. 18-19.)

From the foregoing testimony, while it may be gathered that on November 26, 1942, plaintiff went to see the defendant to redeem the land, his offer to do so was only verbal, without money in hand, for if he had then money and, according to his very testimony, the defendant was ready and willing to allow the redemption, the same should have taken place, for the defendant was willing to allow the redemption and to receive the money—if there was any. Nevertheless, the repurchase was not consummated that day and this fact convincingly shows that there was no money tendered by the plaintiff to the defendant. Moreover, if in November, 1942, plaintiff had money and offered it to the defendant for the redemption of the land in question, and the defendant refused to accept it, the plaintiff, to protect his rights, should have acted in accordance with article 1176 of the Civil Code and made the consignation of the money with the competent court. He failed to do so, and this failure is another evidence, though circumstantial, which make us believe that in said month of November, 1942, plaintiff had no money and offered no money for the redemption of the disputed land. It is therefore our considered opinion that even granting that in said month plaintiff offered to redeem the land in question, such offer being only verbal, without tendering any money unto the defendant, was legally ineffective, and after the lapse of said five year period agreed upon in Exhibit A, plaintiff could no longer exercise his reserved right of redemption.

Appellant vigorously contends that he did what the law requires him to do to repurchase the land in question and says that he made a formal and *bona fide* offer to repurchase said land. In support of his contention, he cites the case of *Villegas vs. Capistrano* (9 Phil., 416), where the Supreme Court held:

"When a person, having the right of repurchase under a contract of *pacto de retro*, makes a *bona fide* offer to repurchase in accordance with the agreement and tenders the necessary amount of money, he has done all that the law requires of him to preserve his rights."

But in the case before us, the important question is whether plaintiff herein had really made a *bona fide* offer to repurchase the land and if to that effect he tendered the necessary amount, which question should be decided against the plaintiff, for the record shows that in the case at bar

there was only a *lip offer* to repurchase the property but without tendering to the defendant any price or money with which to really make the repurchase. Moreover, the facts of the case cited by appellant are as follows:

“* * * The money was offered to the defendant himself on the 15th of May by one of Kauffman's clerks, the defendant declining to receive it on the ground that Kauffman had no authority to act for the plaintiff. On the 18th of the same month Kauffman had a personal interview with the defendant in which the offer was repeated and was declined on the ground above stated. Thereupon, by agreement, a telegram was sent to the plaintiff, who immediately telegraphed to the defendant asking if the money had been paid, and the defendant answered that it had not. * * *”

Evidently, the case invoked by the appellant is not in point with the present case where no money was tendered to the defendant herein. Furthermore, the doctrine that the money should be tendered in order that the redemptioner may later on enforce his right of redemption has been reaffirmed in the case of *Canuto vs. Mariano* (37 Phil., 840, 842), where the Supreme Court held:

“The settled rule in this jurisdiction is that a *bona fide offer* or *tender of the price* agreed upon for the repurchase is sufficient to preserve the rights of the party making it, without the necessity of making judicial deposit, if the offer or tender is refused; and in the case of *Pructo vs. Fuentes* (15 Phil., Rep., 362) we said that in such cases when diligent effort is made by the vendor of the land to exercise the right to repurchase reserved by him in his deed of sale ‘and fails by reason of circumstances over which he has no control’, we are of the opinion and so hold that he does not lose his right to repurchase the land, by reason of his failure to repurchase on the day of maturity.”

In the aforesaid case, the plaintiff therein testified without contradiction that:

“* * * on the morning of December the second, 1914, while she was washing clothes near a well, the defendant passed by; that she seized the opportunity to beg an extension of time in which to repurchase the land, promising the defendant that she would borrow the money and make payment if he would extend the redemption period until the end of the month; that after some demur the defendant agreed to allow her the whole of the month of December in which to redeem the land; that the following Sunday she went to the house of Mercado, an attorney, at 4 o'clock of the next day, there to receive the purchase price and execute the necessary documents evidencing the transaction; that she took the money to the lawyer's office at the time appointed, and waited there until dark, but that the defendant failed to meet his engagement; that she then went to his house, but was told that he was not at home; and that since that time defendant has refused to carry out his oral agreement, claiming that the redemption period set out in the original deed of sale expired on the fourth day of December, 1914, and that she had no right to repurchase the land after that date. * * *”

From the foregoing, it appears that in the case of *Villegas vs. Capistrano*, as well as in the case of *Canuto vs. Mariano, *supra**, there has been tender of money for which

reason the Supreme Court held in said cases that the right of repurchase was not lost but preserved. In the present case, however, no money was tendered nor offered by the plaintiff to the defendant and consequently in the light of the doctrine laid down in the case of *Villegas vs. Capistrano*, invoked by the plaintiff herein and the case of *Canuto vs. Mariano*, mentioned above, plaintiff's offer to redeem the land, as proven in the record, has been ineffectual and did not preserve his right to repurchase the land in question after the expiration of the period of redemption stipulated in Exhibit A.

Wherefore, finding no errors in the decision appealed from, the same in hereby affirmed, with costs against the appellant.

Torres, Pres. J., and Felix, J., concur.

Judgment affirmed.

[No. 1783-R. February 26, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee,
vs. ANTONIO GONZALES Y PASCUA and JOSE RAMOS Y LAGMAN, defendants and appellants.

CRIMINAL LAW; EVIDENCE; REQUISITES FOR CONVICTION BASED ON CIRCUMSTANTIAL EVIDENCE.—Under the rule governing circumstantial evidence as a basis for conviction in a criminal case three requisites are required to be present: (a) there must be more than one circumstance; (b) the facts from which the inference are derived must be proved; and (c) the combination of all the inferential facts must produce a conviction beyond reasonable doubt as to the guilt of the accused.

APPEAL from a judgment of the Court of First Instance of Manila. *Amparo, J.*

The facts are stated in the opinion of the court.

Pedro C. Mendiola for appellant Ramos.

Augusto Revilla for appellant Gonzales.

Assistant Solicitor-General Manuel P. Barcelona and *Solicitor Estrella Abad Santos* for appellee.

BORROMEO, J.:

Found guilty of the crime of qualified theft, Jose Ramos y Lagman and Antonio Gonzales y Pascua plead on this appeal for the reversal of the decision of the Court of First Instance of Manila where they were sentenced to suffer a penalty for a term of not less than four years of *prisión correccional* and not more than eight years of *prisión mayor*, and to pay the costs.

In their separate briefs both appellants assail the decision of the trial court as erroneous for holding that said defendants took and carried away the jeep in question, owned by Oscar Olegario, and in convicting them without any valid evidence to support its judgments.

The findings of the lower Court reads as follows:

"In the night of November 4, 1946, Sergeant Gonzales of the Manila Police, accompanied by Patrolman Josue were on patrol duty in Sampaloc, Manila. Riding in a jeep, they passed along Legarda street going towards the east. As they came near the house of Detective Olegario on the left side, near the corner of Legarda and Lipa streets they noticed that Olegario's jeep was not in front of his house on the sidewalk, where it used to be parked, but was at a distance of about 30 meters from the usual place towards Quiapo. After covering a distance of about 100 meters from the house of Olegario they returned and approached Olegario's jeep from behind. They found inside the accused Antonio Gonzales sitting at the steering wheel and outside the vehicle was Jose Ramos standing directly in front of Antonio Gonzales. Inside the jeep they found a bolt cutter (Exhibit A) which Antonio Gonzales admitted belongs to him. The lock which was fastened on the shifting gear, to prevent the vehicle from being taken away, was missing."

The judgment of conviction was based only on circumstantial evidence and on the alleged confession of the defendants before Police Sergeant Gonzales as shown on a joint statement marked as Exhibit D.

There is no question as to the fact that the jeep of Detective Olegario was found on the early morning of November 4, 1946 about thirty meters away from its usual parking place instead of being on the sidewalk in front of his house at No. 599, Legarda Street, City of Manila. Sgt. Leoncio Gonzales and Patrolman Anastacio Josue of the Manila Police Department found it in that location when they passed along said street on patrol in a jeep. This aroused the suspicions of the two peace officers so after passing beyond it for about a hundred meters they turned back and approached it from the rear. They came upon the two herein defendants-appellants. Antonio Gonzales was sitting behind the steering wheel while Jose Ramos was standing in the road beside Gonzales.

Both defendants gave on the witness stand different versions of the case. From the brief filed by appellant Jose Ramos, we quote his story:

"On the night of November 3, 1946, Jose Ramos with his friend Jose Borbon went to the "Quality Club" to have a good time (21 Tr. S.N.). Between 11:00 and 12:00 o'clock on the night of that date Jose Ramos was somewhat drunk (21 Tr. S. N.) and the two (Jose Ramos and Jose Borbon) went to the latter's house at Plaza Guipit, G. Tuazon where Ramos took his rest (21, 27 Tr. S. N.). The two drank black coffee (27 Tr. S. N.) and Jose Ramos sobered up somewhat. At about 1:00 o'clock early in the morning of November 4, 1946, Jose Ramos left his friend's house, and he went down on foot and tried to find some means of transportation from Guipit to downtown (21, 27 Tr. S. N.). He was bound for home, particularly passing Pritil to 1875 Juan Luna (28 Tr. S. N.). From Guipit he passed Legarda (21 Tr. S. N.) and waited for about twenty minutes, but no means of transportation came along, so Ramos walked towards downtown Manila where he was bound for (22 Tr. S. N.). He was on his way going downtown from

Legarda when he saw a jeep that was parked, beside which somebody, who turned out at the investigation to be the accused Antonio Gonzales, was standing. He asked this person to take him in his jeep home and that he would pay him, but the said person said it was not his" (22 Tr. S. N.).

On his part, appellant Antonio Gonzales gave his version which is stated on his brief quoted herein as follows:

"Late in the evening of November 3, 1946, when Antonio Gonzales had just come from the Times Theatre (t. s. n., p. 28) with a girl friend, he walked towards R. Hidalgo Street. He left his girl friend at R. Hidalgo St. where she took transportation, but did not accompany her because he had no more money. Thereafter, he walked towards Legarda St. going home as he is living at 105 Lardizabal, corner Guipit Street. While he was walking along Legarda street towards Guipit, he saw a jeep and two persons bound in the direction of the said jeep. As he approached the jeep, he saw a person by the name of Pepe and he was surprised to find said Pepe at that time of the night; Pepe was beside the jeep standing (t. s. n., p. 29); that the two persons came from the jeep and were crossing the street to the opposite side; that the two persons have a distance of twenty to twenty-five meters from him; that said persons were going northward; that he was employed at the Antipolo Garage and Taxicab; that when he was beside the jeep, he saw a bolt cutter, Exhibit A (T. s. n., p. 30); that he did not see any padlock in said jeep (t. s. n., p. 31). While Antonio Gonzales and Jose Ramos were thus talking near the jeep, they were apprehended by Sgt. Gonzales (t. s. n., p. 31); neither of the two have been given any chance to explain their side."

As may be seen, neither of the defendants has given a satisfactory explanation of their presence on the premises. The trial court did not even entertain serious consideration of their stories for the simple reason that they were mere fairy tales. On the other hand, there can not be any question that the testimony of Sgt. Gonzales and Patrolman Josue, as well as that of Detective Olegario, have full weight of credibility.

The question to be determined herein is whether the circumstantial evidence disclosed from the testimony of the witnesses for the prosecution is sufficient to sustain a judgment of conviction beyond reasonable doubt, without taking into consideration their alleged admissions in Exhibit D, inasmuch as we entertain a certain doubt as to its probative value for it was taken as a common statement for the two so that it does not represent the individual admission of any of the accused.

Under the rule governing circumstantial evidence as a basis for conviction in a criminal case three requisites are required to be present: (a) There must be more than one circumstance; (b) The facts from which the inference are derived must be proved; and (c) The combination of all the inferential facts must produce a conviction beyond reasonable doubt as to the guilt of the accused.

In the present case the following circumstantial facts are found on the record: The jeep bearing plate No. 4924

of Oscar Olegario, valued at ₱2,400 was placed by its owner on the sidewalk in front of his house at No. 599, Legarda Street, City of Manila, on the night of November 3, 1946; that to prevent the vehicle from being taken away, Olegario as usual, put a lock on the gear shift before he left it in the premises; that when Sgt. Gonzales and Patrolman Josue passed along Legarda street on patrol in a jeep, they found that Olegario's jeep, which was painted red, was already at a distance of about 30 meters away from its usual parking place; that thereupon they found the accused Antonio Gonzales sitting behind the steering wheel and the other accused, Jose Ramos, standing on the pavement beside the steering wheel; that this happened at midnight or rather at about 1:00 o'clock on the morning of November 4, 1946; that when asked what they were doing with the vehicle, the accused admitted that they were going to steal it; that the policemen found a bolt cutter, Exhibit A, which Antonio Gonzales admitted belonged to them; that they also found in the jeep a screw driver, Exhibit B, and a piece of pointed iron bar, Exhibit C; and that when Olegario was awoken and brought to the place, he found that the lock was missing.

From the combination of the above-mentioned circumstances there can be no other rational conclusion except that the herein appellants were the ones who took and carried away the jeep of Olegario from its parking place on the sidewalk in front of the house of its owner by pushing it to a distance of about 30 meters to avoid any noise; that they were the ones who broke with the bolt cutter Exhibit A, the padlock on the gear shift when the vehicle was already taken away to that distance; and that they were caught by the patrolmen before they could start the motor of the jeep in question.

We therefore concur with the trial court in that "the evidence clearly shows that the two accused took and carried away the jeep in question while it was parked on the sidewalk immediately in front of the house of its owner, Detective Olegario." Under these circumstances, we agree with the conclusion of the trial court that the accused had already complete possession of the jeep when they were overtaken and caught by the peace officers.

The appellants were convicted by the court a quo under Article 310 of the Revised Penal Code in accordance with Republic Act No. 120. If, according to the evidence, the offense was committed on November 4, 1946, Republic Act No. 120 is not applicable because said act was approved on June 14, 1947. The crime committed falls under Article 309, case 3 of the same Code; therefore, there being present the aggravating circumstance of nocturnity, according to the evidence on the record, which can be appreciated in the imposition of the penalty even though it has

not been alleged in the information (*U. S. vs. Campo*, 23 Phil., 268), and there being no extenuating circumstances to offset the aggravating one, each one of the appellants is hereby sentenced to an indeterminate penalty of from three (3) months of *arresto mayor* as minimum, to three (3) years of *prisión correccional* as maximum, and to pay the costs.

Thus modified, the judgment appealed from is hereby affirmed. So ordered.

Reyes and Gutierrez David, JJ., concur.

Judgment modified.

[No. 2715-R. February 26, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.* SIMEON ANTOQUEZ and SEVERINO POTES, defendants and appellants.

CRIMINAL LAW AND PROCEDURE; FAILURE OF AN ACCUSED TO FULFILL HIS PROMISE TO BE A WITNESS FOR THE GOVERNMENT, EFFECT OF.—Where an accused is not included in an information on his promise to testify as a witness for the Government, but failed to live up to his promise, the prosecuting attorney should take action against him, if upon re-investigation of the case there is still available sufficient evidence for his conviction. (*U.S. vs. de Guzman*, 30 Phil., 461.)

APPEAL from a judgment of the Court of First Instance of Davao. Fernandez, J.

The facts are stated in the opinion of the court.

Pascual V. Garcia, Jr. for appellants.

First Assistant Solicitor-General Roberto A. Gianzon and *Solicitor Esmeraldo Umali* for appellee.

ENDENCIA, J.:

Appellants Simeon Antoquez and Severino Potestas were prosecuted for the crime of murder in the Court of First Instance of Davao. After trial, the court *a quo* found them guilty only of the crime of homicide and accordingly sentenced each to undergo the indeterminate penalty of not less than ten (10) years and one (1) day of *prisión mayor*, as minimum, to seventeen (17) years, four (4) months and one (1) day of *reclusión temporal*, as maximum, with the accessory penalties provided by law, to indemnify the heirs of the deceased Amado Velarde in the sum of ₱2,000, without subsidiary imprisonment in case of insolvency and to pay the proportional costs. From this judgment, they appealed and in this Court they claim that the trial court erred:

“I. In holding that the evidence presented is sufficient to sustain the conviction of the defendants and appellants.

“II. In convicting the defendants—appellants for the crime of homicide.”

Upon a careful examination of the record, we find that seven witnesses testified for the prosecution to establish the killing by the herein appellants of Amado Velarde on December 23, 1947, in the *sitio* of Liling, *barrio* of Padada, municipality of Sta. Cruz, province of Davao. No witnesses, nor any other kind of evidence was presented in favor of the appellants and neither did the latter testify in their behalf. And from the unrefuted testimony of the witnesses for the prosecution, we find fully established the following facts:

Prior to and until his death on December 23, 1947, Amado Velarde was the overseer of a certain estate at said *sitio* of Liling of which Felipe Dulu-ao was the judicial administrator. As such overseer, he was in charge of looking over the weighing of copra produced from the estate, to watch the people making copra, to sell the copra and deliver its proceeds to the administrator. One of the tenants in said estate was the accused Simeon Antoquez, who was taking care of a portion of seven hectares of land of the estate. Prior to December 20, 1947, without previous notice of Amado Velarde, Simeon Antoquez left for Cebu and because of this the former decided to take away from the latter the portion occupied by him. Resenting this action, Simeon Antoquez went to Amado Velarde's house and slashed its ladder. Consequently, on December 20, 1947, Amado Velarde reported the matter to the police authorities of said municipality.

On December 22, 1947, Felipe Dulu-ao, together with Simeon Antoquez and Amado Velarde, went to the *barrio* lieutenant of Padada to settle the trouble between Simeon and Amado but nothing was done because said *barrio* lieutenant did not like to intervene. Meanwhile, the chief of police of Sta. Cruz, whom Amado reported the slashing of the ladder of his house, has cited them to appear in his office for investigation. So Amado and Simeon went to that office where, through the mediation of said chief of police, Amado was prevailed to give back to Simeon two out of the seven hectares of land occupied by him.

On the night of December 23, 1947, at about seven o'clock while witnesses Mori Minding and Mangi Calagan were in their house, they heard two shouts clearly followed by a shot coming from the house of Amado about 40 meters away. Thereupon, Mori and Mangi went down the house and called their neighbors Meriamon and Gregorio Takilig. The last two responded and the four proceeded together towards Amado's house, but upon reaching a place about twenty meters therefrom they stopped and hid themselves in a banana grove to observe. Then they saw the two accused Simeon Antoquez and Severino Potestas, jointly with one Bernaldo Sarnillo, bringing down the dead body of Amado. Likewise, they saw Simeon holding a club Severino a cane and

Bernaldo another cane. After the three had carried Amado towards a house and when they arrived about ten meters where Mori and his companions were, Bernaldo notice them and said, persons, persons." Forth-with, they dropped the corpse of Amado and before they departed, Simeon fired three shots in the air. After the appellants and Bernaldo had gone away leaving at the place the dead body of Amado, Mori Minding instructed Gregorio Takilig to report the matter to the *barrio* lieutenant, who after being so informed sent two rural policemen to the scene of the crime. Thereafter, the policemen came and together with Mori and Takilig they went to the place where Amado was and found him dead with a bullet wound. In the morning of December 24, 1947, the Justice of the Peace of Sta. Cruz, Artemio Cometa, and the Sanitary Inspector, Manuel Jumilla, came also to the place and found the dead body of Amado about 20 meters from his house. In the afternoon of that day, Manuel Jumilla made a *post mortem* examination of Amado's cadaver where he found the following:

- "1. Swelling and ecchymosis on the right eye and forehead.
- "2. Contusion and ecchymosis on the right shoulder.
- "3. Swelling and ecchymosis on the left arm.
- "4. Gunshot wound on the right breast below the clavicle passing through the right back below the scapula about the size of the lead pencil the diameter of the wound.
- "5. The cause of death is due to the above injuries and internal hemorrhage.";

as he so reported.

Informed of the incident, Captain Adolfo Castillo of the Philippine Constabulary sent his men to investigate the matter and on the night of December 24, 1947, he also went to the scene of the crime. As a result of the steps taken by Philippine Constabulary soldiers, Simeon Antoquez, Severino Potestas and Bernaldo Sarnillo were brought to the headquarters for investigation. Thus, Captain Castillo had occasion to personally investigate Severino and Bernaldo and in the course thereof they both admitted that they and Simeon had killed Amado. Severino further revealed that they use canes (*bastones*) in the comission of the crime and that said canes were hidden in the house of Simeon. Consequently, Captain Castillo accompanied by Severino went to the house of Simeon and once there Severino pointed the place where the club and canes used in killing Amado were, and took therefrom said canes and gave them to Captain Castillo, said club and canes being Exhibits C, C-1 and C-2.

With these data on hand, Captain Castillo filed with the Justice of the Peace Court of Sta. Cruz, Davao, a complaint of murder against Simeon Antoquez, Severino Potestas and one John Doe *alias* Agapito, who is until now at large, without including therein Bernaldo Sarnillo, for the latter promised Captain Castillo that he would testify as witness for the government. The complaint was given due course and

later forwarded to the Court of First Instance of Davao where the corresponding information was filed against the herein appellants. After trial, appellants were convicted and sentenced by the trial court as above stated.

The only question raised by the appellants in their brief revolves around the sufficiency or insufficiency of the evidence of the prosecution for their conviction. It is contended that the testimony of the eye-witnesses Mori Minding, Mangi Calagan and Gregorio Takilig should not be given credence due to their inconsistencies and improbabilities. It is claimed that in their sworn statement attached to the record, they stated that Simeon fired at them; that after Simeon fired and fled, they approached the body of Amado and that the shots fired were either that of a revolver or a carbine, while on the witness stand they declared that Simeon fired three shots in the air; that none of them on that night approached the body of Velarde until after the arrival of agents of the law; and that it was Amado's revolver that fired by Simeon. It is argued that because of these contradictions, the statements of these witnesses cannot be relied upon for the conviction of the appellants. Obviously, the contention is untenable, for even granting that such contradictory statements appear, the same cannot affect their credibility, for the contradiction refers to minor details and not to the principal fact that the appellants and Bernaldo Sarnillo were seen by these witnesses bringing down the dead body of Amado from his house at seven o'clock on the night of December 23, 1947. On this essential fact, these witnesses had not contradicted each other, and certainly this fact alone is sufficient evidence that the appellants and Bernaldo Sarnillo, whom they saw bringing down the body of Amado, on that occasion, are the ones that attacked and caused the death of said Amado. And if to this we add the further fact testified to by Captain Castillo that appellant Severino Potestas made admissions before him to the effect that he (Severino) and his co-appellant Simeon Antoquez and Bernaldo Sarnillo were the ones who attacked and killed Amado and that they used therefor canes and club which were found in the house of Simeon Antoquez in the very place indicated by Severino Potestas as the place where they hid said canes after killing Amado, there is good ground to believe and rely on the testimony of these witnesses despite their alleged contradictions.

Again, appellants claim that these witnesses deserve no credence for in their sworn statements they never mentioned facts which they brought during the trial, to wit: "that they saw the defendants-appellants pulling the body down the house; that they heard the defendants-appellants conversing; that they saw Simeon Antoquez remove the revolver from the body of Amado Velarde and the like"

(p. 6-7, appellant's brief). We find however that the failure of the witnesses to mention those facts in their affidavits will not affect their credibility for it is of common knowledge that in many occasions the affidavit sometimes contains more and sometimes contains less of what a witness have seen or observed of an event. Anyway, it is not the affidavit that should be appreciated as evidence in this case, but the very testimony of the witness brought during the trial.

Appellants likewise point out that the aforesaid witnesses unanimously testified that while the appellants and Bernaldo were carrying in their right hands the dead body of Amado, each of the appellants and Bernaldo were also holding in the same hands their respective club and canes. Appellants contend that this is incredible for it is against the natural course of things in that if they were carrying in their right hands the dead body of Amado, which was bulky, they could not have been carrying in the same hands the club and canes, Exhibits C, C-1 and C-2. But, as pointed out by the Solicitor General, there is nothing incredible in this considering the explanation of Mori Minding that Simeon embraced with his right hand the neck of Amado, and this must have been also the mode employed by the companions of Simeon in carrying the corpse. Hence, their right hands could also conveniently grasp their respective canes."

Appellants particularly assail the testimony of Mangi Calagan as completely unworthy of credence alleging that this witness testified first that after the body of Velarde was brought down the house, Simeon Antoquez inspected the body and get Amado's revolver from the waist while in answer to further questions propounded by the trial court he said that Simeon Antoquez got Amado's revolver from his body while it was still in the house, and that because of this constant change in his testimony the court was constrained to make during the trial the following remarks: "If you have the courage to deny before the court what you have said, the court will not have confidence in you." (p. 39, t. s. n. "I cannot understand you." (p. 64, t. s. n.) These remarks of the court really appear in the record but despite the same the court took into consideration the testimony of this witness in convicting the appellants and it is to be presumed that the trial court did so because it believed that he had testified the truth.

Likewise, the appellants assailed the testimony of Captain Castillo concerning the admission of guilt made before him by Severino Potestas on the ground that said testimony should not be believed because said admission was not taken in writing. The record shows however that Captain Castillo explained why said admission was not written. He stated that due to his experience in the locality that when-

ever a culprit admits his guilt he does not change his admission once in court and usually pleads guilty on arraignment, he (Captain Castillo) did not reduce to writing the admission of Severino Potestas. We find this explanation satisfactory, but even without it, it is a fact that the testimony of Captain Castillo regarding said admission of Severino Potestas was not denied by the latter, who did not testify in his behalf, nor traversed by any other evidence of record, and consequently said admission, though proved by oral testimony, should be given due consideration.

From the foregoing, it could be easily gathered that all the contentions of the appellants are groundless and that their appeal has no merit whatsoever, not only because the testimonies of the witnesses for the prosecution conclusively show that Amado Velarde was killed by the appellants and Bernaldo Sarnillo, but especially because the appellants failed to testify in their behalf or to offer any evidence in refutation of the testimonies of the witnesses for the prosecution. It is therefore our considered opinion that the trial court has not committed any of the errors attributed to it by the appellants and that the latter was justifiably convicted for the crime of Homicide, for although they have been accused for Murder, the evidence did not show to be present any of the qualifying circumstances essential to the crime of Murder.

Lastly, we find that Bernardo Sarnillo is as guilty as the appellants, and having failed to fulfill his promise to be a witness for the government, the provincial fiscal should take action against him, if upon re-investigation of the case there is still available sufficient evidence for his conviction. (U. S. *vs.* De Guzman, 30 Phil., 416.)

The Solicitor General recommends in his brief that the indemnity of ₱2,000 awarded to the heirs of the deceased be increased to ₱6,000 in accordance with the ruling of the Supreme Court in the case of *People vs. Amansec*, G. R. No. L-927, promulgated March 1, 1948. Upon examination of the record, we find, however, no reason why the decision of the trial court on the point may be disturbed.

Wherefore, finding no reversible error in the decision appealed from, the same is hereby affirmed, with costs against the appellants.

Torres, Pres. J., and Felix J., concur.

Judgment affirmed.

[No. 874-R. February 28, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee,
vs. SEVERO CONTRERAS, defendant and appellant

1. CRIMINAL LAW; ESTAFA, BY FALSELY PRETENDING TO BE AGENT OF ANOTHER; CASE AT BAR.—One who falsely pretends to be an agent of another, and by such false pretenses succeeds in ob-

taining goods which he converts to his own use is guilty of *estafa* under paragraph 2(a) of article 35 of the Revised Penal Code. (Decisions of the Supreme Court of Spain of March 22, 1881, quoted in Groizard, *Código Penal*, Vol 7, 131; of June, 1891 and January 2, 1946, Cuello Calón, *op. Cit.*, pp. 818-819, footnote No. 18, *bis*; and the decisions of October 14, 1874, and June 22, 1888, set forth in Hidalgo, *Código Penal*, Vol. 2, pp. 755-766.) The accused succeeded in obtaining from Pablo Pahoyo the delivery of the goods deposited with Pahoyo by the offended party, because the accused succeeded in making Pahoyo believe that he was authorized by the depositor, Aniana Mendieta, to fetch and receive said goods from Pahoyo. Without such fictitious authority the goods would not have been delivered to accused. In other words, the accused defrauded Pahoyo and Mendieta by *falsely pretending* to possess the *agency* of Mendieta. Agency (in the Spanish text *comisión*) says Cuello Calón (*Derecho Penal*, Vol. 2, p. 818, 6th Ed.) "debe entenderse en amplio sentido como equivalente a encargo."

2. ID.; ESTAFA BY FALSE PRETENSES DISTINGUISHED FROM THEFT.—

The Solicitor-General contends that the crime is not *estafa* but theft, for the reason that appellant obtained possession of the goods as *agent* and therefore the juridical possession of the goods was not transferred to him. This contention would be tenable if Pahoyo had delivered the goods to appellant herein as *his own agent*, for in that case we may say that Pahoyo merely entrusted the physical possession of the goods to appellant without the intention that the juridical possession should pass from him (Pahoyo) as principal, unless directly to the depositor Aniana Mendieta. But such is not the case. Pahoyo delivered the goods deposited by Mendieta to the appellant Contreras in the belief that the latter was the *agent* and representative of the depositor Mendieta. The case at bar is clearly distinguishable from the other cases in which our Supreme Court and the Supreme Court of Spain have differentiated transfer of physical possession and transfer of juridical possession. In all those cases, the delivery was made deliberately and without deceit to an *agent* of the person who delivered the goods, and the person making delivery had no intention to part completely with the possession of the goods misappropriated. (Groizard, *Cód. Penal de 1870*, Vol. 7, p. 169) In this case, as we have stated, the goods were delivered to an agent of the creditor or depositor. Had Contreras actually been the agent of Mendieta (which admittedly he was not) the Solicitor-General's thesis might have some basis.

APPEAL from a judgment of the Court of First Instance of Camarines Sur. Surtida, J.

The facts are stated in the opinion of the court.

Amelito R. Mutuc for appellant.

First Assistant Solicitor-General Roberto A. Gianzon and *Solicitor Jose G. Bautista* for appellee.

REYES, J. B. L., J.:

The appellant was convicted by the Court of First Instance of Camarines Sur of the crime of theft as defined in article 308, in relation to article 309, paragraph 4, of the Revised Penal Code, and sentenced to 6 months of *arresto mayor*, to indemnify the offended party Aniana

Mendinueta in the sum of ₱134.50, to suffer subsidiary imprisonment in case of insolvency, and to pay the costs. From that judgment, he regularly appealed to this Court.

Appellant does not dispute the main facts of this case. As a matter of fact, in his brief, he states the following:

"The facts of this case as proven by the prosecution and found true by the lower court are as follows:

"On May 11, 1945, Aniana Mendinueta, the offended party, left Buhi, Camarines Sur, to fetch her daughter from Baaao, same province. She did not proceed directly to Baaao however, but stopped at the town of Iriga where she made some purchases from a PCAU store.

* * * * *

After the offended party packed her purchases inside one bag, she came across an acquaintance named Tomas who introduced her to one Pablo Pahoyo, in whose house she spent the night because it was already late. The next morning, she prepared to proceed to Baaao. Before leaving, she left under the custody of Pablo Pahoyo her bag with all its contents aforesaid. Defendant-appellant, who was also a transient in the same house and who was also going to Baaao, suggested that they go together, which they did. Appellant knew about the bag and its contents.

However, upon reaching a cross-road leading to Buhi and Baaao, the appellant separated from the complainant because, as stated by him, he was going to the town of Buhi instead. Appellant instead returned to the house of Pablo Pahoyo and informed the latter that he was sent back by the offended party to fetch the bag left by her in Pahoyo's hands. Under the mistaken belief that appellant was in fact authorized by the owner of the bag to receive it, Pablo Pahoyo delivered same to appellant.

Two days later, when Aniana Mendinueta returned to Iriga to claim her bag from Pablo Pahoyo, the latter informed her of what transpired two days ago. Complainant immediately looked for appellant in Buhi. Upon accosting appellant in his house, the complaining witness demanded the bag and its contents from him. The appellant denied having received it. Complainant went back the next day to Pablo Pahoyo and transmitted to the latter the denial of appellant. Pahoyo insisted that appellant can not stand on his denial because there were many eyewitnesses to the fact of delivery of the bag to the latter. When again confronted with Pahoyo's statements, appellant insisted on and adhered to his previous denial of having received the bag. Later developments proved him false. The silk dress (Exhibit I) was traced and found in his possession. After due investigation, the information against appellant was filed which subsequently led to his conviction of the crime of theft aforesaid."

Only two issues are raised by the appellant before us, one of law and one of fact. The first is whether the crime committed by this appellant is properly *estafa* and not theft as held by the Court below; and secondly, the true description and amount of the goods obtained from Pahoyo and appropriated by the appellant, which he contends was much less than that found by the judgment appealed from.

On the first question, we are of the opinion that the appellant is correct in contending that the crime committed by him was properly *estafa*, under article 315, paragraph

2(a); of the Revised Penal Code, which punishes any one who defrauds another.

"By using fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceptions."

It is undisputed that if the appellant succeeded in obtaining from Pablo Pahoyo the delivery of the goods deposited with Pahoyo by the offended party, it was because the appellant succeeded in making Pahoyo believe that he was authorized by the depositor, Aniana Mendieta, to fetch and receive said goods from Pahoyo. Without such fictitious authority the goods would not have been delivered to appellant. In other words, the appellant defrauded Pahoyo and Mendieta by *falsely pretending to possess the agency of Mendieta*. Agency (in the Spanish text *comisión*) says Cuello Calón (Derecho Penal, Vol. 2, p. 818, 6th Ed.) "debe entenderse en amplio sentido como equivalente a *encargo*."

The position of the appellant is reinforced by decisions of the Supreme Court of Spain, which have been uniform to the effect that one who falsely pretends to be an agent of another, and by such false pretenses succeeds in obtaining goods which he converts to his own use is guilty of *estafa* under the paragraph above quoted. We may refer particularly to the decisions of March 22, 1881 (quoted in Groizard, Código Penal, Vol. 7, 131); of June, 1891 and January 2, 1946 (Cuello Calón, *op. Cit.*, pp. 818-819, footnote No. 18, *bis*); and the decisions of October 14, 1874, and June 22, 1888, set forth in Hidalgo, Código Penal, Vol. 2, pp. 755-766.

The Solicitor-General contends that the crime is not *estafa* but theft, for the reason that appellant obtained possession of the goods as *agent* and therefore the juridical possession of the goods was not transferred to him. This contention would be tenable if Pahoyo had delivered the goods to appellant herein as *his own agent*, for in that case we may say that Pahoyo merely entrusted the physical possession of the goods to appellant without the intention that the juridical possession should pass from him (Pahoyo) as principal, unless directly to the depositor Aniana Mendieta. But such is not the case. Pahoyo delivered the goods deposited by Mendieta to the appellant Contreras in the belief that the latter was the *agent* and representative of the depositor Mendieta. So far as Pahoyo was concerned, delivery to appellant herein was delivery to Mendieta herself and, consequently, when Pahoyo delivered the goods to the appellant he certainly intended to divest himself completely of the goods left with him as depositary; he purported, in other words, to terminate the deposit constituted by Mendieta. The un-

faithfulness of appellant in failing to turn over the goods of Mendinueta was not Pahoyo's concern. Whether Pahoyo was right in so thinking is a matter between him and the depositor, and is immaterial to this case.

That Pahoyo had juridical possession of the goods under a contract of deposit is not debatable. The depositary's right to possession and custody of the goods deposited is valid against all persons except only the depositor. It was this possession that he transferred in full to the appellant Contreras, as completely as if he had returned the goods directly to the depositor herself. The decisive point is that in turning over the goods to the appellant, Pahoyo acted in the belief that the deposit was being terminated.

The case at bar is clearly distinguishable from the other cases in which our Supreme Court and the Supreme Court of Spain have differentiated transfer of physical possession and transfer of juridical possession. In all those cases, the delivery was made deliberately and without deceit to an *agent* of the person *who delivered* the goods, and the person making delivery had no intention to part completely with the possession of the goods misappropriated. The difference is further clarified thus by Groizard:

"Un escritor italiano (Forti) ha distinguido, para mayor claridad de esta materia, entre la consignación material y la consignación por confianza. Esta y no aquella es, según él, la que puede dar lugar a la estafa, porque su naturaleza consiste precisamente en el abuso por parte del consignatario de la confianza, la cual no es lógico suponer otorgada mientras el dueño, conservando la vigilancia personal sobre la cosa que muestra, indica claramente que no quiere despojarse de su posesión." (Groizard, Cód. Penal de 1870, Vol. 7, p. 169.)

In this case, as we have stated, the goods were delivered to an agent of the creditor or depositor. Had Contreras actually been the agent of Mendinueta (which admittedly he was not) the Solicitor General's thesis might have some basis.

It is immaterial that the acts of the appellant should indicate that he had conceived the plan from the beginning to take hold of the property. Such circumstance merely evidences the premeditation which is inherent in the commission of the crime of *estafa*, but does not alter the fact that the possession of the goods was only obtained by the appellant through one of the deceptions specified by the Revised Penal Code in the Chapter on *estafa*. The argument of the Solicitor-General that the juridical possession could not be considered transferred to this appellant because he obtained it by false pretenses would completely nullify and make it impossible to commit *estafa* under paragraph 2(a) of article 315.

As to the question of fact, the only basis of the accused in contending that the lower Court erred in finding that the appellant obtained 2 cans of butter, 3 cans of milk, 4

pieces of soap, 10 boxes of matches, 30 chocolate bars, 1 blanket, 3 packages of cigarettes, 1 nightgown, 1 chemise, 1 silk dress, 3 cans of corn beef, and 1 bag is predicated on the general description of the goods purchased by Mendumeta that appears in page 12 of transcript. It is to be noted, however, that in pages 20-21, of the stenographic notes of the session of September 24, 1946, the offended party gave an item by item description of the goods, which is more reliable than the general description depended upon by this appellant. We are satisfied that on this point the lower court did not commit the error attributed to it.

The information, however, does not sufficiently describe the crime committed. Consequently, the judgment appealed from is reversed without the appellant Severo Contreras being discharged from custody, and he shall be held to answer the proper charge for *estafa*, to be made in accordance with this decision. Copy of this decision shall be furnished to the Provincial Fiscal of Camarines Sur for proper action. Without costs.

Gutierrez David and Borromeo, JJ., concur.

Judgment reversed with instruction.

[No. 1829-R Febrero 28, 1949]

LUTGARDA C. CRUZ, demandante y apelada, *contra* JACINTO JOSE y JULIA CUSTODIO, demandados y apelantes

CO-HEREDEROS; SU PARTICIPACIÓN EN LA HERENCIA ES VENDIBLE AUN ANTES DE LA APROBACIÓN DE LA PARTICIÓN DE LA MISMA.—Un co-heredero no esta impedido a vender su participación en la herencia antes de la aprobación de la partición de la misma (Art. 1067, Código Civil; Beltran *contra* Doriano, 32 Jur. Fil., pág. 70), y no hay necesidad de autorización judicial para efectuar dicha venta.

APELACIÓN contra una sentencia del Juzgado de Primera Instancia de Bulacán. Paredes, Jr., J.

Los hechos aparecen, relacionados en la decisión del Tribunal.

D. Rosendo J. Tansinsin en representación de los apelantes.

Sres. Bustos & Bustos en representación del apelado.

BARRIOS, M.:

Debidamente reconstituido, en 27 de septiembre de 1944, el Juzgado de Primera Instancia de Bulacán falló este asunto:

"From all the foregoing, the Court hereby declares the sale (Exhibit A) null and void, and the defendants are hereby ordered to execute a reconveyance of the property in favor of the intestate of the deceased Isidoro Calpa Cruz, plaintiff herein, upon payment to be made by said administratrix of the amount of P3,500 already advanced by the defendants. The defendants are also hereby ordered

to pay unto the plaintiff the amount of ₱500.00 as damages in connection with this suit, and to pay the costs."

Los demandados apelaron y su abogado señaló los siguientes errores:

"1. The lower court erred in holding that the present action was brought by the plaintiff in her capacity as administratrix of the deceased Isidoro Calpa Cruz.

"2. The lower court erred in declaring exhibit A, now exhibit 1, as defective, null and void.

"3. The lower court erred in ordering the defendants-appellants to execute a reconveyance of the property in favor of the estate of the deceased Isidoro Calpa Cruz.

"4. The lower court erred in awarding to the plaintiff damages in the amount of ₱500.

"5. The lower court erred in denying defendants-appellants' motion for reconsideration and new trial."

los cuales se reducen a la eficacia y validez o nulidad del Exhibito 1.

Ambas partes han acordado:

"Primero, que la demandante es una de las hijas y herederas del difunto Isidoro Calpa Cruz, cuyo intestado está registrado y hasta ahora sigue pendiente en la actuación especial 5837 de este Juzgado; segundo, que no hay cuestión alguna en cuanto a la identidad del terreno descrito en la demanda y referido en la contestación; tercero, que el 25 de enero de 1944 Purificación Calpa Cruz y Arnulfo C. Cruz otorgaron una escritura de venta cuya copia está unida a los autos del expediente de esta causa; cuarto, que los demandados son los compradores que aparecen en dicha escritura de 25 de enero de 1944; quinto, que en el expediente de la actuación especial No. 5837, supra, no se ha presentado hasta esta fecha ninguna reclamación por cualquier acreedor contra los bienes del intestado del finado Isidoro Calpa Cruz." (T. n. t. p. 2)

El Juzgado inferior declaró nula la escritura Exhibito 1 porque cuando traspasaron los vendedores su participación en 25 de enero de 1944, la propiedad estaba en "custodia legis" y Arnulfo Cruz uno de los vendedores era entonces menor de edad. Un co-heredero no está impedido a vender su participación en la herencia antes de la aprobación de la partición de la misma, y Arnulfo que al tiempo de la vista era mayor de edad y ahora tiene unos 23 años de edad, no ha pedido la nulidad del documento de venta Exhibito 1.

"There is no provision of law which prohibits a coheir from selling to a stranger his share of an estate held in common, before the partition of the property is approved by the court (art. 1067, Civil Code, Beltran *vs.* Doriano, 32 Phil., p. 66)."

La venta por Purificación y Arnulfo, hermanos y co-herederos de la demandante se efectuó en su carácter de co-herederos de los bienes del finado Isidoro Calpa Cruz y no había necesidad de autorización judicial. Por tanto, el documento de venta Exhibito 1 es válido y eficaz, y el juzgado inferior incurrió en error al declarar el mismo nulo y sin valor alguno.

De autos consta que la demandante no representa aqui al intestado de Isidoro Calpa Cruz, pues en su demanda dice:

"That she is of legal age, married, Filipino citizen and a resident of Caingin, Malolos, Bulacan, and the rights covered in this action belong to her personally, the same being paraphernal in nature."

y por consiguiente, dicho intestado no es parte en este asunto, y el juzgado no tenía facultad de ordenar el "reconveyance" de la propiedad en litigio al referido intestado. Por tanto, ha incurrido en este error.

En cuanto a la alegada oferta de la demandante a los demandados de recomprar el terreno cuando ella supo el traspaso de la finca en 20 o 21 de febrero de 1944, el juzgado inferior el septiembre 2, 1944. Estimando de esta cuestión aparece alegada en la demanda y suscitada en esta apelación y procede resolverla (sec. 19, regla 48). La demandante ofreció ₱4,000 a los demandados para recomprar la finca en cuestión dentro del mes a contar del 20 o 21 de febrero de 1944 (artículo 1067, C.C.) y éstos rechazaron su oferta. Entonces ella presentó demanda el marzo 8, 1944 y depositó los referidos ₱4,000.00 en el juzgado inferior al septiembre 2, 1944. Estimando de buena fe esta oferta de recompra, el depósito de ₱4,000.00 no era necesario ni indispensable para la demandante, luego antes de que el mismo llegase a las manos de los demandados, su pérdida corre a riesgo de su dueña, la demandante, pues el caso estaba y aún está en litigio.

En el caso de *Asturias Sugar Central vs. Pure Cane Mollasses Co.*, 60 Phil., p. 259, la Corte Suprema dijo:

"In principle, the defendant's obligation to pay the sum of ₱6,000 to the plaintiff for the cancellation of the contract is the same as that of the vendor in a contract of sale with the right of repurchase to refund the purchase price to the purchaser, for the purposes of the resale, in which case this court has held that *deposit of the repurchase price is not necessary to compel the purchaser to make the resale, if he refuses to accept it.* (*Villegas vs. Capistrano*, 9 Phil., 416).

La adjudicación por el juzgado inferior de ₱500 a la demandante como daños y perjuicios carece de fundamento y mérito.

Por todo lo expuesto, revocamos la decisión apelada y declaramos la escritura de venta Exhibito A, o Exhibito 1, válida y eficaz y la demandante tiene derecho de recomprar el terreno en cuestión previo pago a los demandados Jacinto José y Julia Custodio dentro de 30 días desde que quede firme esta decisión, en la cantidad de ₱1,000.00, moneda filipina, equivalente a ₱4,000.00 en moneda japonesa en enero, 1944 (Ballantyne table); y ordenamos a los citados demandados que hagan el traspaso del terreno en cuestión a favor de la demandante una vez que hayan recibido la cantidad de ₱1,000 antes mencionada.

Sin expreso pronunciamiento en cuanto a las costas. Así se ordena.

Labrador y Paredes, MM., están conformes.

Se revoca la sentencia.

[No. 2128-R. February 28, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.* ISIDORO C. QUERIJERO, defendant and appellant¹

CRIMINAL LAW AND PROCEDURE; ROBBERY; INFORMATION; WHEN ACCUSED MAY BE HELD GUILTY OF A CRIME OTHER THAN THAT CHARGE IN THE INFORMATION; CASE AT BAR.—"In the crime of robbery, the person injured is deprived of his property by force or intimidation, or by both. In bribery, he parts with his property, in a sense, voluntarily" (U.S. *vs.* Flores, 19 Phil., 178). In the case at bar, evidently the accused secured the money by intimidation, thus the crime committed is robbery and not bribery, notwithstanding the fact that the information charges bribery since the facts set forth therein are sufficient to constitute the crime of robbery.

APPEAL from a judgment of the Court of First Instance of Manila. Peña, J.

The facts are stated in the opinion of the court.

Sixto de la Costa and *Ignacio M. Orendain* for appellant. *Assistant Solicitor-General Guillermo E. Torres* and *Solicitor Florencio Villamor* for appellee.

GUTIERREZ DAVID, J.:

Found guilty by the Court of First Instance of Manila of the crime of bribery and sentenced to suffer an indeterminate penalty of from 3 months and 11 days of *arresto mayor* to 1 year, 8 months and 21 days of *prisión correcional*, with temporary special disqualification to hold any public office for a period of 8 years and 1 day, and to pay a fine of ₱300, with subsidiary imprisonment, plus costs, Isidoro C. Querijero interposed this appeal.

It appears that on November 29, 1946, about 7 o'clock in the evening, Mrs. Antonia Caray was stopped along Herran Street, Manila, while carrying in a jitney a load of cotton yarn or thread, and was taken to Precinct No. 3 of the Manila Police Department in Paco for investigation. Inasmuch as the invoices evidencing the purchase by her of the thread from the National Development Company were in the possession of her friend Isabel Rodil, residing in Isabel Street, Manila, Antonia was allowed to look for them. After obtaining the invoices from her friend, Antonia returned to Precinct No. 3, accompanied by her aforesaid friend, and showed the invoices to the police

¹ See resolution of the Supreme Court G. R. No. L-2907 dated May 12, 1949. Petition for review on certiorari is dismissed for lack of merit.

authorities stationed thereat. Not long afterwards, Antonia was sent, together with the load of thread, to the Detective Bureau of the Manila Police Department at the Bilibid Prisons compound on Azcarraga Street, wherein the desk sergeant referred the matter to Detective Isidoro C. Querijero, the herein appellant, who was then in charge of the General Investigation Section. In the course of the investigation, the invoices were shown by Antonia to the appellant, who, after going over them, remarked that the load of thread represented a big amount of money and demanded from Antonia the sum of ₱400 otherwise said thread would be confiscated. As the latter explained that she did not have money at that time, the appellant inquired whether she could get money elsewhere, to which she answered in the affirmative and asked him to accompany her to the house of her brother-in-law, Dominador Pingco, at 748 Folgueras Street. Thereupon, Antonia, Isabel Rodil and the appellant went to the house of Antonia's brother-in-law at the address mentioned. Upon arriving at the place, Antonia related her plight to Dominador Pingco. The latter advised her not to give the amount asked by the appellant for it was too much and added that the profits to be derived from the sale of the thread would not cover the said amount. Hence, she asked the appellant to reduce the amount to ₱100 or at most ₱200, but the latter said that it was not possible because many of his companions had already known about the case and they would have to share in the amount he was demanding from her. However, the appellant finally said that he was willing to accept the sum of ₱300. So, Antonia borrowed from her brother-in-law the sum of ₱300 and forthwith handed it to the appellant at the bodega of the latter's house. Thereafter, the appellant, Antonia and Isabel Rodil went back to the Detective Bureau, where Antonia received back her load of thread. Upon instruction of the appellant, Detective Alfredo Manuel accompanied Antonia to the house of her brother-in-law at Folgueras, where the thread was unloaded and the latter remained. Manuel left Isabel Rodil at the corner of Rizal Avenue and Azcarraga and met the appellant in a restaurant.

The appellant denied the imputation of bribery against him. He explained that in the night in question he accompanied Antonia Caray to the house of her brother-in-law, Dominador Pingco, to satisfy himself that there were no other stocks in said house which were not covered by invoices, his suspicion having been aroused by the fact that Antonia's husband was employed in the National Development Company. After finding no other merchandise in that house and being satisfied of his investigation, he returned with Antonia to the Detective Bureau and released the thread in question to its owner inasmuch as the invoices covering the same were in due form.

Appellant assails the judgment appealed from on the ground that the lower court erred in not acquitting him for lack of evidence and he particularly attacks the credibility of the offended party.

Appellant claims that the offended party filed the present complaint merely for the purpose of avenging the humiliation and inconveniences occasioned by her arrest on the night in question, she being one of the vindictive types. Her vindictiveness was allegedly shown when in her testimony she imputed to the appellant her arrest at Herran street which is far from the truth for in fact she was not arrested at all. We find no merit in this contention. Due to her scant education, the offended party evidently did not understand the technical meaning of the word "arrest". Moreover, in the course of her testimony she explained that it was not the appellant who apprehended her at Herran street but a person in civilian clothes who took her first to Precinct No. 3 and later on sent her to the appellant in Bilibid where the latter investigated her and demanded from her the sum of ₱400 (pp. 5, 9 and 10, t.s.n.).

Antonia Caray testified that she never denounced the matter to the police authorities or to the Fiscal's office. She happened to mention the incident to the General Manager of the National Development Company when she was asked by the latter about it in the next morning. She never cared to inquire about the name or identity of the appellant. In fact, she just gave a description of him to the aforesaid manager. If she were not asked by the latter, "she would not have told the matter to anybody; she would have kept silent" (pp. 22, 23, t.s.n.). Such deportment of the offended party belies appellant's contention that she was only prompted by revenge in filing the present complaint.

The testimony of the offended party regarding the fact that she gave the sum of ₱300 to the appellant is corroborated not only by that of her brother-in-law, Domingo Pingco, but also by that of Isabel Rodil. Furthermore, Detective Alfredo Manuel testifying for the defense admitted that Antonia Caray told him that very night that she had given the appellant ₱300 and further said that when he (Manuel) told this to the appellant, the latter merely answered that the ₱300 was not in his possession and that it might have been received by Lieutenant De Leon who originally handled the case. Appellant did not categorically deny having received the money. If he were innocent, the appellant would have felt slighted or offended with such an accusation. Judging from his answer to Detective Manuel, he did not have such reaction.

We agree with the Solicitor-General that appellant's explanation as to how he came to accept the ₱300 is

party at Folgueras street is rather flimsy and does not merit any consideration, because appellant's mere suspicion that the offended party might have illegally acquired yarns, thread or other merchandise did not justify his going late after midnight to search a house without first obtaining a warrant therefor.

The evidence leaves no room for doubt as to the fact that on the night in question the herein appellant, then a detective of the Manila Police Department, knowing that Antonia Caray has committed no crime for which her cargo of thread could lawfully be seized, by means of threats of confiscating said cargo, thus playing upon her ignorance and fear, obtained from her the sum of ₱300. Evidently, such money was secured by intimidation and the crime committed is robbery and not bribery as charged. "In the crime of robbery, the person injured is deprived of his property by force or intimidation, or by both. In bribery, he parts with his property, in a sense, voluntarily" (U.S. vs. Flores, 19 Phil., 178).

The appellant was tried under the following information:

"The undersigned accuses Isidoro C. Querijero of the crime of bribery, committed as follows:

"That on or about the 29th day of November, 1946, in the City of Manila, Philippines, the said accused, being then a member of the Detective Bureau, a branch of the Manila Police Department, duly appointed and qualified as such, did then and there willfully, unlawfully and feloniously demand and receive from one Antonia Caray the amount of ₱300 in consideration of the execution by him of an act not amounting to a crime, to wit: to release the cargo of thread seized or cause to be seized and confiscated without any legal ground from the possession of the said Antonia Caray, which in effect the said accused released and returned to the said Antonia Caray by reason of the payment to him of the said amount of ₱300.

"Contrary to law.

"(Sgd.) A. P. MONTESA
"Assistant City Fiscal"

Even though said information charges bribery but the facts it sets forth are sufficient to constitute the crime of robbery.

Wherefore, we find the appellant guilty beyond reasonable doubt of robbery with intimidation of persons penalized under subsection No. 5 of Article 294 of the Revised Penal Code, as amended by Republic Act No. 18, which took effect since September 25, 1946, and he is hereby sentenced to suffer from 1 year of *prisión correccional*, as minimum, to 6 years and 1 day of *prisión mayor*, as maximum, to identify the offended party in the sum of ₱300.

Thus modified, the judgment appealed from is hereby affirmed in all other respects, with costs against the appellant.

Reyes and Borromeo, JJ., concur.

Judgment modified.

[No. 2469-R. February 28, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
FAUSTO APOLINARES *y* TUAZON and SIMEON ANGELES
y ESTANISLAO, defendants; FAUSTO APOLINARES *y*
TUAZON, defendant.

1. CRIMINAL LAW; EVIDENCE; IDENTICAL EXTRAJUDICIAL CONFESSIONS OF SEVERAL ACCUSED PERSONS, EFFECT OF.—When identical extrajudicial confessions had been made by several persons charged with a crime, and there could have been no collusion with reference to such confessions, either of them is confirmatory of the facts set forth in the others.
2. *Id.*; *Id.*; "CORPUS DELICTI"; ELEMENTS OF CRIME NEED NOT BE PROVIDED BY INDEPENDENT EVIDENCE APART FROM THE CONFESSION.—The term *corpus delicti* does not mean that every element of the crime must be clearly established by independent evidence apart from the confession. It is the fact of specific loss or injury sustained (People *vs.* Mones, 58 Phil., 47). "It means merely that in a jurisdiction where the question of guilt is determined by the jury, there shall be some evidence tending to show the commission of crime apart from the confession. As suggested in Wigmore's Treatise on Evidence, the rule requiring independent proof of the *corpus delicti* was merely intended to guard against convictions upon false confessions of guilt. (Wigmore, Evidence, sec. 2070.) The utility of the confession as a species of proof would vanish if it were necessary, in addition to the confession, to adduce other evidence sufficient to justify conviction independently of such confession." (People *vs.* Bantangan, 54 Phil., 835; People *vs.* Marquez, promulgated Aug. 21, 1946, 43 Off. Gaz., No. 5, p. 1652; People *vs.* Villabrosa, CA-G.R. No. 827-R, promulgated Jan. 31, 1949.)

APPEAL from a judgment of the Court of First Instance of Manila. Sanchez, J.

The facts are stated in the opinion of the Court.

Julian F. Florentino for appellant.

Assistant Solicitor-General Manuel P. Barcelona and
Solicitor Federico V. Sian for appellee.

PAREDES, J.:

It appears that on the night of August 29, 1947, Patrolmen Perey and Cruz were in the Port Area, working on a certain case up to the early hours of the following morning, August 30, 1947. As it was raining hard and Perey was wet, he decided to go home to change his clothes, while Cruz remained. He parked the jeep which was officially issued to him and his companion, in a place near his house at Tejeron street near the corner of Paco Roman, district of Santa Ana, Manila. The letterings of "MPD" and "Precinct 4-3" on the windshield of the jeep were provisionally covered with canvas so as to disguise the jeep. Patrolman Perey went up to his house, leaving the said jeep in that place, changed his clothes and took coffee. He went out to the place where he left the jeep, but it was no longer there. Information was gathered and clues were verified which led to the recovery on September 4, 1947.

of the jeep, with two tires missing, in an isolated place near a bamboo grove, some 200 to 300 meters from the main highway, in the barrio of Anabo, Binakayan, Imus, Cavite. Further investigations conducted thereafter resulted in the arrest on September 16, 1947 of Fausto Apolinares, while he was being detained in the Rizal City jail in connection with a case of estafa and another case of assault upon persons in authority. Upon his arrest, Apolinares admitted to Patrolmen Perey and Cruz that it was he and his companions who stole the jeep in question which was then shown to him, in Tejeron street near Paco Roman in the early morning of August 30, 1947, and when said Apolinares was already in Precinct No. 4, Manila Police Department, Patrolman Nicasio E. Beltran investigated him and took down his statement in Tagalog in the form of questions and answers, in the presence of Pat. Eleno Cruz. This statement is now Exhibit B. Apolinares also informed the police officers that he received ₱50 as his share in the proceeds of the sale of the jeep, and that his two companions in the commission of the theft were nicknamed Sunny and Ben, who subsequently turned out to be Simeon Angeles and Angel Roque, respectively.

Simeon Angeles was brought to Precinct No. 4 on the morning of September 23, 1947, by Patrolman Rogacion, MPD, for investigation, in connection with the loss of the jeep. When verbally investigated, he readily admitted to Patrolmen Perey and Cruz that he was one of the companions of Apolinares in the theft of the jeep which was shown to him, stating that the same was the very one which they took from Tejeron street; that the jeep was taken from Manila to Binakayan by him and another friend named Angel together with Apolinares, and that the three of them had sold it in Binakayan to one by the name of Guding; and that he received ₱40 as his share in the proceeds of the sale. Angeles was then turned over to Patrolman Ranjo, of the Investigation Unit of Precinct No. 4, and there he gave a written statement in the presence of G. Layog on the same day of his arrest. This statement is now Exhibit A. Angel Roque has not as yet been arrested. This is in substance the testimony of the witnesses for the prosecution.

Fausto Apolinares, testifying on his behalf, professed ignorance about the loss of the jeep and made a general denial of the charges against him. He, however, admitted his signatures appearing on his statement, Exhibit B, but claims that he signed the same because he could not withstand the maltreatment to which he was subjected by six detectives, and that he was dizzy at the time and continued to be so, for about two days. He further disclaimed any knowledge of the contents of said statement Exhibit B. In support of his *alibi*, Apolinares declared that he slept at

7:00 in the evening of August 30, 1947, and woke up at about 4:40 the following morning, when he went to work as driver of the Santos Taxicab.

Simeon Angeles testified in his own behalf and stated that on the night in question he was driving a passenger jeep up to 11:30 or 12:00 midnight, at which time he parked the jeep at the house of its owner, one Mendice, on Cavite Line, Manila; that he went home which was nearby and slept from about 12:30 to 7:00 a.m. when he again started on his work as chauffeur of said jeep. Like Apolinares, he admitted his signatures on Exhibit A, but claimed that he signed it, because of the blows given him on the belly, and that at the time he signed said statement he was so dizzy that he could not recognize the three policemen who maltreated him; and that while he was in the police station, no policeman ever asked him any question.

Upon the basis of the above evidence, the trial court sentenced Apolinares and Angeles to suffer an indeterminate penalty ranging from four (4) years, two (2) months and one (1) day of *prisión correccional* to nine (9) years, four (4) months and one (1) day of *prisión mayor*, and each to pay one-third of the costs. Pending appeal, Angeles died, and the case with respect to him, was remanded to the trial court. The only error alleged to have been committed by the trial court, refers to the sufficiency of the evidence to convict the present appellant.

Counsel for the defense argues that the appellant's conviction rested solely on the confession, Exhibit B, of Apolinares, so that if the said Exhibit B is declared ineffectual, the prosecution finds itself hanging in the air. Counsel, therefore, raised two issues: first, whether Exhibit B was given freely and spontaneously by Apolinares; and second, whether the said Exhibit B is, by itself, sufficient basis for conviction.

It is an undisputed fact that the jeep described in the information, was stolen at the time and place mentioned by the police officers. That appellant Apolinares was one of those who stole the aforesaid jeep, has been established by his extrajudicial confession, Exhibit B, which, taken with the other facts elicited during the trial, is sufficient to support appellant's conviction. Defense counsel, however, assails the admissibility of said confession, Exhibit B, on the allegation that the appellant had signed it because he could not withstand the maltreatment to which he was subjected by six detectives. After a rigid scrutiny of the evidence of record, we believe that such defense proves unavailing to the appellant. Appellant was asked whether the detectives who took down Exhibit B, were the ones who illtreated him, and he answered he could not recognize them, because he was dizzy for two days; he was asked whether the arresting officers, Patrolmen Perey and

Cruz, and another officer, Patrolman Nicasio Beltran, who took down Exhibit B, all pointed out in court by the trial judge, were the ones who had hit him, and the said appellant replied in the negative, thereby insinuating that officers other than those indicated by the trial judge, are responsible for the alleged assault. Appellant's failure to identify his assailants, notwithstanding the well established principle that a person assaulted strives to know and remember the identity of his assailants, and his categorical statement that the arresting officers and those who took down his confession, did not illtreat him, show that the alleged inquisitorial procedure existed only in appellant's imagination. It is rather contrary to the natural course of things, that those who were divested of the possession of the jeep or those who arrested the appellant or those who took down his statement, would have been the police officers who abused him. It is also quite absurd to attribute the alleged irregularity to a group of officers who had absolutely no interest in the present case.

Moreover, appellant's testimony with reference to the alleged maltreatment was not corroborated at all. There is no tangible proof of maltreatment other than his bare allegation. Appellant did not even attempt to show why the police officers would have imputed upon him the commission of so serious an offense as qualified theft, or to pin on him a crime which he did not commit.

A cursory examination of the confession, Exhibit B, will show that it abounds with details which could not have been supplied by one who was very dizzy at the time they were given. These details are such that it would not have been probable for the police officers to just invent them. Appellant Apolinares was the first to be arrested. And when he made a full account of how the jeep was stolen and later disposed of; when he implicated his companions, giving the names of Sunny and Ben, and stating that they were formerly his companions as driver of the Yellow Pool Truck Co. in Intramuros; when he recited that they had been together on a previous attempt to steal a jeep, pointing out to one Jimmy as another companion of said Sunny and Ben in stealing jeeps, all of which are contained in his confession, Exhibit B, the said appellant was certainly in his right and full senses at the time, and his claim that he did not know the contents of said confession, Exhibit B, is chimerical, to say the least.

It is to be noted that in Exhibit B, Apolinares implicated his co-accused Angeles; and in the confession, Exhibit A, Angeles likewise implicated his co-accused Apolinares, and, except in few instances, the two confessions were identical, although they had been taken separately, at different times, when the one was not in the presence of the other. While the trial court admitted the confession of the one as bind-

ing and admissible against the other, on the ground that they are "interlacing confessions," we, however, place them under the category of identical confessions. When identical extrajudicial confessions had been made by several persons charged with a crime, and there could have been no collusion with reference to such confessions, either of them is confirmatory of the facts set forth in the others.

The defense claims that the confession, not having been corroborated by evidence of *corpus delicti*, is not a sufficient ground for conviction, citing in support thereof section 96 of Rule 123, and People *vs.* Cruz (S. C. No. L-146, promulgated May 7, 1946, 43 Off. Gaz. No. 2; p. 457). The term *corpus delicti* does not mean that every element of the crime must be clearly established by independent evidence apart from the confession. It is the fact of specific loss or injury sustained (People *vs.* Mones, 58 Phil., 47). "It means merely that in a jurisdiction where the question of guilt is determined by the jury, there shall be some evidence tending to show the commission of a crime apart from the confession. As suggested in Wigmore's Treatise on Evidence, the rule requiring independent proof of the *corpus delicti* was merely intended to guard against convictions upon false confessions of guilt. (Wigmore, Evidence, sec. 2070.) The utility of the confession as a species of proof would vanish if it were necessary, in addition to the confession, to adduce other evidence sufficient to justify conviction independently of such confession." (People *vs.* Bantagan, 54 Phil., 835). In the case of Pueblo *contra* Marquez, promulgated August 21, 1946, 43 Off. Gaz. No. 5, p. 1652, the Supreme Court declared: "Básicamente, esencialmente, 'el término *corpus delicti*, con referencia a un crimen particular, significa que un delito específico se ha cometido actualmente por alguno, y se compone de dos elementos: primero, que cierto resultado se ha producido; y segundo, que alguien es criminalmente responsable,' (State *vs.* Kindell, 71 Mont., 58; 227 Pac. 65; American Jurisprudence, 14 Crim. Law, p. 758). En segundo lugar, la regla de prueba citada 'no significa que se debe demostrar mediante prueba aparte de la confesión todos los elementos del delito, sino que meramente deberá haber algunas pruebas, aparte de la confesión, que tiendan a demostrar que se ha cometido un delito * * *.' (See also People *vs.* Armando Villabrosa, CA-G. R. No. 827-R, promulgated Jan. 31, 1949.)

In this particular case, apart from the verbal and written confessions of appellant and his deceased co-accused, there is the fact that after midnight of August 29, 1947, the jeep in question parked on Tejeron street near the corner of Paco Roman, Manila, was stolen, and a few days thereafter, that is, on September 4, 1947, was recovered in the

barrio of Anabo, Imus, Cavite. In the case of Bantagan, *supra*, there was no direct evidence to show that the accused were the persons who committed the crime, except the confession. But there was evidence to show that the death of the deceased therein might have resulted from violence. Therein, the Supreme Court held the evidence sufficient "to make admissible the confessions of the accused to the effect that blows had been given, of the character indicated by the bruise on the neck, sufficient to deprive the deceased of his life." In the instant case, proof of *corpus delicti* is even stronger.

Appellant's plea of *alibi* should be discredited, not only because it is uncorroborated, but also because it does not coincide with the commission of the crime averred and proven by the prosecution. Appellant alleged that he was at home sleeping throughout the night of August 30, 1947; whereas, the crime was perpetrated in the early morning of August 30, 1947.

Much stress has been made out of certain minor discrepancies between the confession of the appellant and that of his co-accused Angeles, as to how the jeep was pulled away from its parking place in Santa Ana. Such discrepancies, however, demonstrate that the facts therein stated did not come from only one source, the police, but from two different sources, the appellant and Angeles, and that they were not concocted by any one.

It appearing that the value of the motor vehicle is ₱2,000, and that nighttime was purposely sought by the accused to facilitate the perpetration of the offense, with no mitigating circumstance to offset it, the Court sentences the appellant Fausto Apolinares to suffer an indeterminate penalty ranging from four (4) years, two (2) months and one (1) day of *prisión correccional* to ten (10) years, eight (8) months and one (1) day of *prisión mayor*, and to pay one-third of the costs. So ordered.

Labrador and Barrios, JJ., concur.

Judgment modified.

[No. 2720-R. February 28, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
FRANCISCO CAMPOREDONDO, defendant and appellant

1. CRIMINAL LAW; CRIME INVOLVING DESTRUCTION; ARTICLE 324
REVISED PENAL CODE, APPLIED.—Accused threw a hand grenade at the house of Z. C. and placed in danger the safety of nine persons who were present therein. Such act of the accused caused destruction of the back porch, walls and some posts of the said house. The crime committed is not attempted or frustrated multiple murder but one involving destruction punished in article 324 of the Revised Penal Code.

2. ID.; ID.; PENALTY, INCREASED; AGGRAVATING CIRCUMSTANCES OF NOCTURNITY AND DWELLING.—In view of the aggravating circumstances of nocturnity and dwelling, the accused is sentenced to undergo the penalty of from ten (10) years and one (1) day of *prisión mayor*, as minimum, to seventeen (17) years, four (4) months and one (1) day of *reclusión temporal*, as maximum.

APPEAL from a judgment of the Court of First Instance of Negros Occidental. Enriquez, J.

The facts are stated in the opinion of the court.

Mauro F. S. Magsaysay for appellant.

First Assistant Solicitor-General Roberto A. Gianzon and *Solicitor Manuel Tomacruz* for appellee.

ENDENCIA, J.:

Appellant herein was charged with frustrated multiple murder in the Court of First Instance of Negros Occidental upon the following infomation:

"That on or about January 30, 1947, in the municipality of San Carlos, Province of Negros Occidental, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the herein accused, being then provided with a hand grenade, with intent to kill and by means of treachery, did, then and there, willfully, unlawfully and feloniously throw a hand grenade at the house of one Zacarias Carido, knowing that in said house were present several persons, to wit: Geginia Datalolayta, Silvestre Carido, Ursula Carido, Potenciana Lastimoza, Perfecta Labites, Marcela Carido, Sinforo Trocio and Francisquito Hiberola, which hand grenade exploded and would have caused the death of all the persons above mentioned, thus performing all the acts of execution which should have produced the crime of multiple murder as a consequence thereof, but nevertheless did not produce it by reasons of causes independent of the will of said accused.

"That in the commision of the crime there is present the aggravating circumstance that it was committed at night-time in order to facilitate the commission thereof."

On arraignment, he pleaded not guilty, and after trial he was sentenced to undergo an indeterminate penalty of from six (6) years, one (1) month and eleven (11) days of *prisión mayor* to twelve (12) years and one (1) day of *reclusión temporal*, with the accessory penalties provided by law and to pay the costs. He appealed from this judgment and, not being provided with an attorney, a counsel *de oficio* was appointed for him. In his brief filed in behalf of appellant, counsel *de oficio*, without specifically making an assignment of error, claims that the accused should be acquitted; (1) because the prosecution has failed to prove the guilt of the defendant and appellant beyond reasonable doubt, in view of the inconsistent and contradictory testimonies of the principal witnesses for the prosecution which are highly incredible and should not therefore be given the stamp of veracity; and (2) because the evidence for the prosecution being entirely circumstantial

does not satisfy the requirements of section 98, Rule 123 of the Rules of Court.

As we see, the theory of the appellant is that the evidence adduced by the prosecution is insufficient for his conviction and, consequently, the judgment based thereon should be reversed. Hence, the question that this Court has to determine is whether the evidence of record fully substantiates the charges brought against the appellant. The record shows that three witnesses testified for the prosecution, namely: Zacarias Carido, Silvestre Carido and Sixto Valde; while two witnesses, Alberto Gubaton and Florentino Garilao, aside from appellant himself, testified for the defense. From an examination of the record, we find the following facts fully established: In the month of December, 1946, Zacarias Carido filed with the Justice of the Peace Court of San Carlos, Negros Occidental, a complaint for grave threats against Alberto Gubaton, Francisco Camporedondo and Florentino Garilao, which, after the corresponding preliminary investigation, was forwarded to the Court of First Instance and there docketed as criminal case No. 1240, wherein the following information was filed:

"That on or about December 16, 1946, in the sitio Lumapao, San Carlos, province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the herein accused being then armed with revolver and carbines, conspiring together and mutually helping one another, did, then and there, wilfully, unlawfully and feloniously, threaten one Zacarias Carido with death if they were not permitted to harvest corn from the former's cornfield as in fact they did, gather and harvest 2,000 ears of corn belonging to said Zacarias Carido, valued at thirty-six pesos, Philippine currency, to his damage and prejudice in the aforesaid amount."

About one month later, or to be more exact, at about nine o'clock in the evening of January 30, 1947, Zacarias Carido and his son Silvestre Carido, together with Geginia Datalolayta, Cristeto Civerada, Ursula Carido, Marcela Carido, Potenciana Lastimasa, Perfecta Labites and Sinforoso Trocio, were all lying down in his house situated at *sitio* Lumapao, municipality of San Carlos, province of Negros Occidental, when a loud explosion coming from the back porch of the house was heard. All the inmates went down from the house and went to a cornfield. Upon hearing the explosion, Zacarias ordered his son Silvestre to focus the flashlight at a human figure he saw near the back porch and Silvestre did as told and the two saw appellant Camporedondo standing nine brazas away from the back porch of the house. Upon being flashlighted, appellant ran away towards the road and disappeared in the darkness, but at that time father and son have already recognized him. Immediately thereafter Zacarias Carido and his companions decided to report the matter to the authorities and to that end Silvestre Carido went to see

the rural officer (*sitio delegado*) of the barrio Andres Fuentes, whom Silvestre informed of the happening. Thereupon, Andres Fuentes directed Silvestre to report the matter to a policeman named Sixto Valde, who had just arrived at the place, so Silvestre went to the house where said policeman was and reported the matter to said policeman, who went to see the place the following morning. Sixto Valde then inspected the house of Zacarias Carido and from the different parts thereof found and extracted sharpnels of a hand grenade and also a ring of a hand grenade, on the ground, about two meters from the house, all of which were offered in evidence as Exhibit A.

It is however contended by the defense that witness Zacarias Carido should not be given credence because he has incurred in contradictions which makes his testimony doubtful. It is claimed he incurred in contradictions for at first he testified that he and his son reported the matter to the *barrio delegado* just to admit later on that it was only his son who reported the matter to the *barrio delegado*. It is likewise claimed that the testimony of this witness that he has seen and recognized the appellant is unbelievable because he did not go after the appellant on the occasion at bar, for it is argued, had he really seen the appellant that night, he (witness) should have gone after the appellant, who had then committed a grievous act against the witness. We find, however, that even admitting that this witness has incurred in contradictions and conducted himself in the way pointed out by the appellant, said contradictions and conduct do not furnish sufficient reason for doubting his veracity. As to the contradictions, we find strong indication in the record that when this witness said: "When we reported the matter to the *barrio delegado*, he advised us: * * *", he had in mind that having sent his son to report the matter to the *delegado* he in fact reported the matter, so that the alleged contradictions cannot properly be considered as such.

As to the fact that he did not go after the appellant when the latter ran away, the same does not affect the credibility of this witness, for it was prudent on his part not to go after appellant, who, having just thrown a hand grenade to his house, might have another hand grenade to throw against him.

As to witness Silvestre Carido, appellant points out that this witness has incurred in the following contradictions: (1) this witness first testified that he focused his flashlight to the defendant and appellant when he (witness) was already on the ground and after jumping from the house, but later on he testified that he flashlighted the appellant while he was on the second rung of the stairs; (2) this witness testified in the direct examination that he saw the appellant for the first time while the appellant

towards the light while on cross-examination he stated that he saw the defendant and appellant jump on the back porch; and (3) on the witness stand he testified that he was still awake when the explosion occurred while in his affidavit attached to the record he stated that he was already asleep at the time the explosion took place. As could be seen, the contradiction imputed to the witness only refers to minor details of the case and not to the main occurrence, the explosion of the hand grenade in the house of Zacarias Carido. And because of commotion and consternation which necessarily follow an explosion like the one in question, which this witness had experienced, it would be natural to expect that he would incur in inconsistencies on unimportant details of the occurrence, as, for instance, the place where he was when he focused the flashlight and what was the appellant doing when he (witness) first saw him (appellant). Moreover, the trial court that had the opportunity to watch the conduct and demeanor of this witness believed in his testimony, and there being no reason in the record which we may take into consideration for giving no credence to the testimony of this witness, his alleged inconsistencies on minor details of the occurrence are of no sequence.

Furthermore, it is beyond question that after a hand grenade was thrown to the house of Zacarias Carido, the latter through his son reported the matter first to the *barrio delegado* and later on to the policeman Valde, stating that it was the appellant who threw that hand grenade, shrapnels of which were found in the house and the ring picked up two meters away therefrom. If these witnesses have not really seen and accurately identified the appellant, they would not have charged the latter since the very night of the occurrence as the one who threw a hand grenade to their house. We therefore conclude that the identification of the appellant is beyond question.

It is vigorously contended by the appellant that he could not have committed the crime imputed to him, for in the evening of January 30, 1947, he was drinking *tuba* with Alberto Gubaton and Florentino Garilao, in "*tiangue*" situated in Canlaon about seven kilometers from Lumapao. This *alibi* seems to be supported by the testimony of witnesses Gubaton and Garilao, who testified that the appellant was really in that store. But witnesses Gubaton and Garilao were co-accused of the herein appellant in the Threat case and there is valid reason for holding that their testimony are not free from the taint of partiality. Moreover, appellant and his witnesses Gubaton and Garilao testified that there were other persons present in the "*tiangue*" when they were drinking *tuba*, yet none of these impartial witnesses have been presented by the appellant. We therefore hold that the defense of *alibi* was not suffi-

ciently established and cannot prevail against the positive and convincing testimony of Zacarias and Silvestre Carido that they have identified the herein appellant as the person seen by them standing nine *brazas* away from the back porch of their house immediately after the explosion and who ran away when he was flashlighted by Silvestre Carido, which facts conclusively show that he was the one who threw the hand grenade that caused damage in the house of Zacarias Carido, the amount of which was not proven, and placed in danger nine persons sleeping therein.

The trial court considered the crime committed by the appellant as frustrated multiple murder. The Solicitor General opines that the same constitutes the crime of attempted multiple murder. We believe however that neither of these contentions are correct. We believe that the true crime proven in this case is that provided in Article 324 of the Revised Penal Code, which reads as follows:

*"ART. 324. Crimes involving destruction.—Any person who shall cause destruction by means of explosion, discharge of electric current, inundation, sinking or stranding of a vessel, intentional damaging of the engine of said vessel, taking up the rails from a railway track, maliciously changing railway signals for the safety of moving trains, destroying telegraph wires and telegraph posts, or those of any other system, and, in general, by using any other agency or means of destruction as effective as those above enumerated, shall be punished by *reclusión temporal* if the commission has endangered the safety of any person; otherwise, the penalty of *prisión mayor* shall be imposed."*

From the foregoing provision, it clearly appears that a person who has caused destruction by means of an explosion should be punished by *reclusión temporal*, if the explosion has endangered the safety of any person, and the case at bar falls squarely under this provision of law. Appellant here threw the hand grenade and placed in danger the safety of nine persons in the house of Zacarias Carido. He caused destruction of the back porch, walls and some posts thereof. Appellant therefore did not commit attempted or frustrated multiple murder but a crime punished in the aforesaid article 324 of the Revised Penal Code and properly described and comprehended in the information filed against appellant. And it appearing that the aggravating circumstances of nocturnity and dwelling were proven with no mitigating circumstances to offset the same, the penalty provided by said article 324 of the Revised Penal Code should be imposed in the maximum period.

Wherefore, appellant Francisco Camporedondo is hereby found guilty of a crime involving destruction, with the attendance of the aforementioned aggravating circumstances, and in accordance with article 324 of the Revised Penal Code and the provisions of the Indeterminate

Sentence Act, he is sentenced to undergo the penalty of from ten (10) years and one (1) day of *prisión mayor*, as minimum to seventeen (17) years, four (4) months and one (1) day of *reclusión temporal*, as maximum, with the accessory penalties provided by law, and to pay the costs. Thus modified, the decision appealed from is hereby affirmed.

Torres, Pres. J., and Felix, J., concur.

Judgment modified.

[No. 2944-R. February 28, 1949]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
ROSARIO (Nena) SANTOS, defendant and appellant

1. CRIMINAL LAW; ESTAFADA BY CONVERSION.—One who receives a ring on commission and pawns the same and keeps the proceeds is guilty of estafa by conversion (Revised Penal Code, Art. 315, par 2).
2. ID.; ID.; ACCEPTANCE OF PAYMENT BY OFFENDED PARTY DOES NOT ALTER CRIMINAL LIABILITY; CASE AT BAR.—The acceptance of the check for ₱9,000 by the offended party did not and could not alter appellant's criminal liability for estafa by conversion. First, because, indemnification of the offended party does not demonstrate that there was no fraud or breach of trust by the accused to the prejudice of the complainant, this prejudice having taken place when the ring was pawned without authority; and second, because an agreement between the parties to extinguish the criminal liability by payment of the damage would be inoperative and void as against public policy. Neither did said payment extinguish the civil liability of the appellant since the check was ultimately dishonored for lack of funds.

APPEAL from a judgment of the Court of First Instance of Manila. Barrios, J.

The facts are stated in the opinion of the court.

Roman de Jesus for appellant.

First Assistant Solicitor-General Roberto A. Gianzon and
Solicitor Florencio Villamor for appellee.

REYES, J. B. L., J.:

We are here asked to reverse the decision of the Court of First Instance of Manila convicting appellant of the crime of estafa and sentencing her to not less than 4 months and 1 day of *arresto mayor*, to not more than 1 year, 8 months of *prisión correccional*, to indemnify the complainant Consuelo S. Feliciano in the sum of ₱6,000 with subsidiary imprisonment in case of insolvency, and costs.

The facts are fairly simple: Around January or February of 1946, the appellant received from the offended party two rings, one (a gentleman's) with a 10 kt. diamond valued at ₱9,500, and a lady's ring with a 4½

kt. solitaire diamond worth ₱4,500, to be sold on commission basis, with the obligation to deliver the proceeds or return the jewelry within two or three days thereafter. Appellant Santos having failed to appear for several days, complainant Mrs. Feliciano went to the former's house at V. Mapa St., Sta. Mesa, Manila, and asked her to sign a document (Exhibit A) acknowledging the receipt of the rings "para vendersa y pagarse en ó antes del 31 de Marso de 1946, prometiendo devolver dichas alhajas en la misma fecha, en el caso de que no se vendan." Appellant voluntarily signed on March 10, 1946. Despite repeated demands, appellant only returned the lady's ring, but not the gentleman's ring with the bigger diamond nor the price thereof, altho appellant claimed it had been sold to a provincial customer. Later on, the complainant found the missing jewelry in possession of Mrs. Pas del Rosario Tugangin to whom it was pawned by appellant for ₱6,000, and complainant had to pay this amount to obtain its return.

On August 12, 1946, Consuelo de Feliciano filed *estafa* charges against appellant in the Court of First Instance of Manila (crim. case No. 256). Sometime in December of that year, appellant delivered to complainant a check for ₱9,000 issued by the Agricultural and Industrial Corporation against the National City Bank, and the case was provisionally dismissed with the consent of accused. But the check having been subsequently dishonored for lack of funds, the present case was instituted.

From the judgment of conviction, outlined previously, the appellant recourses to this Court urging: (1) That she was a buyer of the rings and not an agent for their sale; (2) That her liability was extinguished by the complainant's acceptance of the check of ₱9,000.

Neither defense is meritorious. Appellant's uncorroborated testimony that the big diamond ring was sold to her on credit, by the offended party, payable when she received money, at an indefinite time and without security, is not only incredible, in view of the attendant risk, but disproved by her voluntary execution of the receipt Exhibit A. The authenticity of this Exhibit is not denied and its terms clearly show that appellant received the ring as an agent, for sale or return. In view of appellant's admitted experience of many years in dealing with jewelry, it is not conceivable that she would have signed the receipt if its recitals were untrue. Furthermore, she also testified as follows:

"¿Por que tuvo Vd. en su poder esos dos anillos avalorados en total ₱14,000 de la señora Consuelo de Feliciano?—A. Porque los he sacado de ella.

"¿Vd. ha ido a su casa?—A. Si señor.

"¿Vd. los ha recibido de ella?—A. Los he sacado.

"¿En que forma, en que condicion?—A. Que si iba a ganar lo iba a vender, si no lo iba a devolver." (T. s. n., pp. 28, 29.)

This testimony confirms the evidence for the prosecution. There is therefore no room for doubt that appellant received the ring on commission. By pawning the same to Mrs. Tugangin and keeping the proceeds she became guilty of estafa by conversion (Revised Penal Code, Article 315, par. 2).

The acceptance of the check for ₱9,000 by the offended party did not and could not alter appellant's criminal liability for conversion. First, because, as pointed out by the Solicitor General, indemnification of the offended party does not demonstrate that there was no fraud or breach of trust by the accused to the prejudice of the complainant, this prejudice having taken place when the ring was pawned without authority; and second, because an agreement between the parties to extinguish the criminal liability by payment of the damage would be inoperative and void as against public policy. Not even the civil liability was extinguished in this case, because payment by check is not effective as such until the check is cashed, action for payment being merely suspended for the time being (Civil Code Article 1170, p. 2). What is worse, the check was ultimately dishonored for lack of funds; but as the ring was finally recovered from the pledgee, the indemnity should be limited to the actual amount of ₱6,000 paid by the complainant to recover the jewel.

The converted ring being worth ₱9,000 pesos, the maximum penalty should be within the medium of *prisión correccional* in its minimum and medium periods, *i.e.*, from 1 year 8 months and 21 days to 2 years 11 months and 10 days. The maximum penalty imposed by the trial Court (1 year, 8 months) is below the proper range and should be increased by 21 days. The appellant should therefore suffer imprisonment for a period of not less than 4 months and 1 day of *arresto mayor*, and not more than 1 year 8 months and 21 days of *prisión correccional*.

Thus modified, the judgment appealed from is affirmed. Costs against appellant.

Gutierrez David and Borromeo, JJ., concur.

Judgment modified.

[No. 3000-R. February 28, 1949]

CIPRIANO RAYMUNDO, protestant and appellant, *vs.* FRANCISCO LEGASPI, protestee and appellee

1. ELECTION LAW; PROTEST; TESTIMONY OF EXPERT WITNESS, WHEN RELIED UPON.—In this jurisdiction, whether or not courts are bound by the testimony of an expert witness depends greatly upon the nature of the subject of inquiry. If the same is one that falls within the general knowledge of judges as the question of whether or not a given document is genuine or two or more

ballots were written by one and the same person, courts are not bound by the conclusions of even real experts along the line (*Paras vs. Narciso* 35 Phil., 244; *Dolar vs. Diansia* 55 Phil., 479). It is only where the subject of inquiry is of such a technical nature that a layman can possibly have no knowledge thereof that courts must depend and rely upon expert evidence. (See *Ewing vs. Goode* 78 Federal p. 442, cited in *Moran*, Vol. III, p. 150).

2. **ID.; ID.; ID.; HANDWRITING EXPERT, VALUE OF OPINION OF.**—It is also well settled that in weighing the testimony of an expert witness, courts must necessarily consider all the circumstances of the case, among them his qualifications, experience and degree of learning, the basis and logic of his conclusions, and the other evidence of record. It has been held in this connection that the value of expert testimony depends largely on the extent of the experience or studies of the witness, because the greater his experience or knowledge, the greater is the value of his opinion resting upon the same (*Wells vs. Leek* 151 Pa. 481, 489, 25 Atl. 101; *Hanley vs. West Virginia* etc. 59 W. Va. p. 419, 430, 53 SE. 625), and that the value of the opinion of a handwriting expert depends not upon his mere statement whether a writing is genuine or false, but upon the assistance he may afford in pointing out distinguishing marks, characteristics and discrepancies in and between genuine and false specimens of writing which would ordinarily escape notice or detection by an untrained observer (*U. S. vs. Kosel* 24 Phil., 594; *People vs. Florendo*, 40 Official Gazette 2nd supp. p. 224).

3. **ID.; ID.; ANNULMENT OF ENTIRE ELECTION OR REJECTION OF BIG NUMBER OF VOTES CAST, WHEN PROPER.**—The annulment of an entire election or the rejection of a big number of votes cast in a given precinct being a very serious matter, the power to do so must necessarily be exercised with the greatest care and only "under circumstances which demonstrate beyond all reasonable doubt that the disregard of the law has been so fundamental or so persistent and continuous that it is impossible to distinguish what votes are lawful and what are unlawful, or to arrive at any certain result whatsoever, or that the great body of the voters have been prevented by violence, intimidation and threats from exercising their franchise, that an entire election should be declared void" (*Demetrio vs. Lopez*, 50 Phil., 45).

APPEAL from a judgment of the Court of First Instance of Rizal. Gonzales, J.

The facts are stated in the opinion of the court.

Ramon Diokno and Celestino L. de Dios for appellant.

Lorenzo Sumulong and Antonio C. Masaquel for appellee.

DIZON, J.:

In the elections held on November 11th, 1947, the appellant Cipriano Raymundo and the appellee Francisco Legaspi were the contending candidates for the office of municipal mayor of Pasig, Rizal. Eight days later the municipal board of canvassers, after canvassing the election returns, proclaimed the appellee as the municipal mayor elect, he having obtained 4,485 votes against 4,225 votes received by his opponent. On the 22nd of the same month the

latter filed an election protest contesting the result in Precincts Nos. 11, 15, 15-A, 17, 7-A, 18, 18-A, 20, 20-A, 24, 24-A and 25. On January 20, 1948 the trial court ordered the opening of the ballot boxes of the contested precincts and commissioners were duly appointed. According to their reports—signed likewise by the parties—the aforesaid ballot boxes and their contents were found in good order, but during the revision of their contents the appellant objected to a big number of ballots cast in favor of the appellee in each and everyone of the contested precincts claiming that the ballots composing each and everyone of the groups into which they were divided were written by one and the same person. After the revision and the submission of the reports of the commissioners the case was tried before the lower court, jointly with the election protest affecting the vice-mayorality and the positions of councilor of the same municipality, the appellant having abandoned the protest as to precincts Nos. 11, 15 and 15-A in the course of the trial. On May 20, 1948 the trial court rendered the appealed judgment declaring the appellee municipal mayor elect of Pasig, Rizal, with a total of 4,485 votes against 4,225 votes received by the appellant whose counsel now alleges that the trial court committed the following errors:

I

“Al no declarar nula la elección en el precinto 25 o, por lo menos, descontar de las 149 balotas adjudicadas al apelado en dicho precinto, divididas en 36 grupos, por estar marcadas, o escritas, cada grupo, ya por una sola mano, o ya por dos manos.

II

“Al no declarar fracasada la elección en el precinto 24 o, por lo menos, descontar 212 de las 232 balotas adjudicadas al apelado en dicho precinto, divididas en 62 grupos, por estar escritas, cada grupo, ya por una sola mano, o ya por dos manos.

III

“Al no declarar que el apelado quedó descalificado como candidato para el cargo de alcalde, o para seguir desempeñando dicho cargo, por haber infringido deliberadamente los artículos 50 y 29 del código electoral revisado.

IV

“Al no descontar de las balotas adjudicadas al apelado las siguientes:—159 balotas del precinto 24-A; 39 del precinto 20; 21 del precinto 20-A; 130 del precinto 16; 174 del precinto 18-A; 157 del precinto 17; y 132 del precinto 17-A, por la razón de que dichas balotas, separadas en diferentes agrupaciones, fueron escritas, cada grupo, por una sola mano.

V

“Al no declarar al apelante Cipriano Raymundo alcalde electo y, en su consecuencia, al no condenar al apelado al pago de las costas y demás gastos incidentales de esta protesta.”

The most important question before us (Assignments of error I, II and IV) refers to 111 ballots, divided into

36 groups, in precinct No. 25; 237 ballots, divided into 47 groups, in precincts No. 24; 159 ballots, divided into 38 groups, in precinct No. 24-A; 39 ballots, divided into 11 groups, in precinct No. 20; 21 ballots, divided into 7 groups, in precinct No. 20-A; 130 ballots, divided into 48 groups, in precinct No. 18; 174 ballots, divided into 57 groups, in precinct No. 18-A; 157 ballots, divided into 56 groups, in precinct No. 17; 132 ballots, divided into 47 groups, in precinct No. 17-A, each group allegedly composed of ballots written by one and the same hand.

To establish his contention the appellant relies upon the ballots themselves and the testimony of Mr. José G. Villanueva who, by order of the court, was allowed to examine the ballots found in the ballot boxes of the contested precincts and was the one who divided them into the groups already mentioned.

In this jurisdiction, whether or not courts are bound by the testimony of an expert witness depends greatly upon the nature of the subject of inquiry. If the same is one that falls within the general knowledge of judges, as the question of whether or not a given document is genuine or two or more ballots were written by one and the same person, courts are not bound by the conclusions of even real experts along the line (*Parás vs. Narciso* 35 Phil., 244, *Dolar vs. Diansia* 55 Phil., 479). It is only where the subject of inquiry is of such a technical nature that a layman can possibly have no knowledge thereof that courts must depend and rely upon expert evidence. As held in *Ewing vs. Goode*, 78 Federal, p. 442:

"In many cases, expert evidence, though all tending one way, is not conclusive upon the court and jury, but the latter, as men of affairs, may draw their own inferences from the facts, and accept or reject the statements of experts; but such cases are where the subject of discussion is on the border line between the domain of general and expert knowledge, as for instance where the value of land is involved, or where the value of professional services is in dispute. There the mode of reaching conclusions from the facts when stated is not so different from the inference of common knowledge that expert testimony can be anything more than a mere guide. But where a case concerns the highly specialized art of treating an eye or cataract, or for the mysterious and dreaded disease of glaucoma, with respect to which a layman can have no knowledge at all, the court and jury must be dependent on expert evidence. There can be no other guide, and, where want of skill or attention is not thus shown by expert evidence applied to the facts, there is no evidence of it proper to be submitted to the jury." (Moran, Vol III, p. 150.)

It is also well settled that in weighing the testimony of an expert witness, courts must necessarily consider all the circumstances of the case, among them his qualifications, experience and degree of learning, the basis and logic of his conclusions, and the other evidence of record. It has been held in this connection that the value of expert testi-

mony depends largely on the extent of the experience or studies of the witness, because the greater his experience or knowledge, the greater is the value of his opinion resting upon the same (Wells *vs.* Leek 151 Pa. 431, 438, 25 Atl. 101; Hanley *vs.* West Virginia etc. 59 W. Va. p. 419, 430, 53 SE. 625), and that the value of the opinion of a handwriting expert depends not upon his mere statement whether a writing is genuine or false, but upon the assistance he may afford in pointing out distinguishing marks, characteristics and discrepancies in and between genuine and false specimens of writing which would ordinarily escape notice or detection by an untrained observer (U. S. *vs.* Kosel 24 Phil., 594, People *vs.* Floredo, 40 Official Gazette 2nd supp. p. 224).

Upon the record before us Mr. Villanueva's testimony appear to be far from being factual. His conclusion that the ballots composing each and everyone of the groups aforesaid were written by one and the same person is nothing more than a general and sweeping statement of his personal opinion, unsupported, in many cases, by facts. He claims to have found common "características exteriores o generales" amongst them but he failed to point them out with sufficient clarity and definiteness to help the court arrive at a correct conclusion. To the contrary, he appears to have made no serious attempt to study and determine the existence, number and nature of the class characteristics nor of the individual characteristics present in the questioned writings while, on the other hand, he admitted that in many of the ballots he had examined the external similarities among those composing each group were vague, it being obvious in many instances that the handwriting was "desfigurada", that is, intentionally and purposely disguised. As pointed out by Osborn, "In order to reach the conclusion that two writings are by the same hand there must not only be present class characteristics but also individual characteristics or 'dents and scratches', in sufficient quantity to exclude the theory of accidental coincidence; to reach the conclusion that writings are by different hands we may find numerous likenesses in class characteristics but divergences in individual characteristics, or we may find divergences in both, but the divergences must be something more than mere superficial differences." (Osborne on Questioned Documents, p. 244.)

Speaking of "disguised" handwriting the same author says:

"* * * Repeated characteristics which are inconspicuous should first be sought for and should be given the most weight, for these are likely to be so unconscious that they would not intentionally be omitted when the attempt is made to disguise and would not be successfully copied from the writing of another when simulation is attempted." (Osborne on Questioned Documents, p. 250.)

Mr. Villanueva, however, has not pointed out any inconspicuous characteristics found in the different groups of ballots, where, according to him, attempts to disguise had been made.

It also appears that, on cross-examination, Mr. Villanueva's competency and reliability as an expert witness was challenged and tested. In one instance, from *five* groups of ballots in precinct No. 25, each of which groups was claimed by him to have been written by one hand, several ballots (numbered 121, 79, 106, 104 and 57, from one group, 93, 102, 95, 29, 139, and 19, from another, 123, 103, 101 and 86, from the third group, 109, 116, 4, 99, 58 and 63, from the fourth, and 31 and 32, from the fifth) were submitted to him for examination to determine whether they were written by one or by different hands and, if they were written by different hands, to divide them again into groups according to the result of his examination. Compelled by unavoidable circumstances to submit to such test, he proceeded to do as required and the result was that the ballots—which came only from *five* groups—were divided by him into *eight* groups, in several instances mixing up ballots of one of the original groups with those of the others (trans. pp. 190-192). In other words, the witness increased the number of persons that allegedly intervened in the preparation of the aforesaid ballots.

On another occasion (May 18, 1848, trans. pp. 466-467) when ten ballots (Numbered 205, 84, 157, 195, 120, 34, 117, 114, 159 and 111)—which formed part of one group of 17 ballots claimed by Mr. Villanueva during the revision to have been written by one and the same hand (Report of Commissioners, Record folios 114-117)—were delivered to him for classification or to determine whether they were written by one and the same hand or not, he divided them into four groups, each group allegedly written by one and the same hand, different from the hands that wrote the ballots of each of the other three groups.

One more instance appearing of record must be cited in this connection. In precinct No. 25, one of the different groups of ballots allegedly written by one and the same person was composed of six ballots numbered 35, 65, 61, 59, 113, and 18. It appears, however, that Ricarda Granados, Cayetana Santos and Dolores Navoa testified for the appellee and, after renouncing the secrecy of their votes, identified their respective ballots. Ballot No. 35 turned out to be the one cast by Ricarda Granados (trans. p. 228), ballot No. 65 by Cayetana Santos (Id. 240-241), and ballot No. 61 by Dolores Navoa (Id. pp. 242-246). These six ballots, therefore, could not have been written by the same person.

What we have said heretofore suffices to show that, conceding the good faith of appellant's expert witness,

his conclusions are nevertheless too sweeping, general and superficial to be of any decisive influence in the determination of the issue under consideration.

After a careful examination of all the groups of ballots mentioned heretofore we feel that it would serve no useful purpose for us to take up and consider each and every one of them because in the course of said examination we came across no groups affording sufficiently reasonable grounds to believe that only one person had written the ballots forming part thereof. Any similarity in general characteristics existing amongst them are, at best, those common to the handwriting of people who have lived in the same community, who have seen each other's handwriting frequently and who perhaps have been trained to write in the same system of handwriting and by the same teacher. In this case, the similarities in general characteristics observed by Mr. Villanueva and upon which he based his conclusions are non-existent in some cases, exaggerated in others and, in the rest, too insignificant to justify his opinion. In fact, some ballots claimed to have been written by one and the same hand look so different from one another that one simply wonders how such an opinion could have been seriously expressed on the witness stand. Let us pick out some instances at random.

PRECINCT No. 25

(1) Ballots 15, 123, 101, 103 and 86. A fair and impartial examination of these ballots, far from showing that they were written by the same person, precisely drives one to the opposite conclusion. In ballot No. 103 the surname Legaspi is written with a small "1" and is spelled "legospe"; in ballot No. 15 it is written as "ligas", while in the rest it is correctly spelled and written. In ballot No. 115 Juan Talavera's name is written as "Huuan tale B"; in ballot No. 123 it is written as "Juan t lalabera", in ballot No. 101 as "J. Talabera", and in ballot No. 86 as "J. Talabira".

(2) Ballots 9, 54, 14 and 126. Their very appearance gives the impression that they were written by different persons. The allegation that the parallel lines of the capital letter "M" in the name "Martin" (Martin Doroteo) written on ballots Nos. 14 and 54 are similar is not borne out by the ballots.

(3) Ballots 134, 40, 148, 138, 66, 68, 115, 78 and 70. Mr. Villanueva's claim that "el autor de estas balotas no está muy bien versado en el arte de escribir" is strongly belied by the manner in which the names of the candidates voted for appear written. Their spelling is correct in almost all cases and the handwriting is perfectly legible and spontaneous. It appears likewise that the name Francisco is written in an entirely different manner in each and everyone of said ballots.

(4) With respect to ballots Nos. 24, 26, 55 and 140 Mr. Villanueva says:

“* * * La manera como está escrito el apellido “Santos”, en cuanto al ritmo, particularmente las letras ‘an’ en dicho apellido están muy próximas, mientras que las letras “tos” están separadas. Esto se observa en las cuatro balotas. En el apellido “Legaspi,” la colocación de la “L” no cae dentro de la linea del palo de dicha letra. La letra ‘E’ en el nombre de ‘E. Garuncho’ en la balota ‘55’ es del mismo tipo de la letra ‘E’ en el nombre “E Reyes” en la balota ‘26’, lo mismo que en los nombres ‘E. Mendoza y E. Santos.’” (Appellant's brief, p. 30)

What he says is true only in the case of ballot No. 55. In ballots 24 and 140 the letters of the surname Santos are almost equidistant from one another. In ballot No. 26 the capital letter “S” is the only one written somewhat apart from the rest. His observation regarding the capital letter “E” in the name “E. Caruncho” (Ballot No. 55) and the same capital letter in the names “E. Reyes” (Ballot No. 26), “E. Mendoza” and “E. Santos” is incorrect. In the capital letter E of the name “E. Caruncho” the third or lower horizontal line connects exactly with the lower end of the vertical line, while in the names “E. Reyes” and “E. Mendoza” and “E. Santos” in ballot No. 26 the same horizontal line is connected with the vertical line at a point appreciably above the lower end of the said vertical line, making the resulting capital E quite different from the same letter appearing in ballot No. 55.

(5) Ballots Nos. 82 and 108. Mr. Villanueva's claim that the one who wrote these two ballots was “casi analfabeto” is obviously unfounded because all the names appearing on them are well written. Again he claims that the letter “o” in the name Emiliano written on ballot No. 82 is exactly the same as the letter “o” of the same name written on ballot No. 68. This is not true either. The letter “o” in the first ballot is more well rounded than in the name Emiliano written on the second.

(6) Ballots Nos. 89, 142, 98, 46 and 62. Mr. Villanueva says that the capital letter F in the name “F. B. Legaspi” in ballot No. 142 is of exactly the same type as the capital letter F of the same surname written on ballot No. 89. This again is not borne out by the ballots themselves. In ballot 89 the capital letter F referred to has a third and shorter horizontal line at the lower end of the vertical line, which the capital letter F of the same name in ballot No. 142 does not have. The “estrecha similitud” in the manner in which the surname Antonio is written on ballots 89, 98, 46 and 62 appears nowhere.

(7) Ballots Nos. 30, 96 and 143. According to the same witness, the surname Legaspi is written in a similar manner in these three ballots. This again is incorrect. A superficial examination thereof readily shows that the surname Legaspi is differently written on ballot No. 30. Moreover

the three syllables composing said surname are separated from one another (Le gas pi).

PRECINCT No. 24

(1) The only divergence that Mr. Villanueva found in ballots Nos. 214, 216, 217, 185, 180, 192, 196 and 223 is that the surname "Legaspi" in ballot No. 223 is written in printed letters. His sweeping assertion notwithstanding, the general appearance of the ballots is different. The capital letter F and the capital letter L, besides, are differently written in ballots Nos. 216 and 185.

(2) Ballots Nos. 27, 173, 234, 26, 200, 72, 70 and 66. According to Mr. Villanueva ballot No. 173 is slightly different (ligeras diferencias) from the others. His is an obvious understatement. The truth is that said ballot is very different from the others. Although, according to him, "el parecido externo de los manuscritos es bastante estrecho," he did not point to anyone of the alleged similarities. Then again he said that "sus caracteristicas individuales son comunes en algunas de las letras que integran el apellido Legaspi, especialmente las letras "e" "a" "s" y "p"," but he fails again to point the alleged common individual characteristics. As to the vowel "e" in the surname "Legaspi" it appears that in some of the ballots the same is written as "i". As to the letter "a" of the surname, even an untrained eye will see that it is very differently written in ballots Nos. 234, 200, 72 and 60.

(3) He claims that the person who wrote ballots Nos. 155 and 37 "ha tratado de desfigurar los manuscritos pero no lo ha conseguido." There is no proof, however, of such intentional alteration. He also contends that in all these ballots the small letter "t" does not have the cross cutting through the vertical line, which is not true. Only two such letters are without the cross in ballot No. 155, all the rest having it, while in ballot No. 37 only one is without it.

(4) Ballots Nos. 221 and 184. In the case of these ballots the same witness contends that "existe bastante similitud entre los apellidos "Rayos" y "Antonio" escritos en ambas balotas." An examination of the names just referred to shows that in ballot No. 221 the letters are slanting while in ballot No. 184 they are noticeably more erect or straight. Again he says that "el silabeo o agrupación de letras "An", "to", la proximidad que existe entre la "n" y "t" con exactamente iguales en ambas balotas," but the truth is that in ballot No. 221 the surname "Antonio" is written with the letters "Ant" somewhat apart from the rest, while in ballot No. 184 all the letters of the said surname are connected with one another.

(5) Ballots Nos. 75 and 188. Here Mr. Villanueva says that the capital letter "E" in the names "E. Reyes" and "E. Santos" is uniformly written. The truth, however, is that in ballot No. 75 the last or lower horizontal line makes a loop with the lower end of the vertical line of the

letter, while in ballot No. 188 such loop, in the first place, does not exist, and, in the second place, the said lower horizontal line is connected with the very end of the vertical line and starts several millimeters farther left of the same.

PRECINCT NO. 24-A

(1) Ballots Nos. 28 and 39. There is no visible similarity in the handwriting appearing on these ballots. In ballot No. 28 the capital letter L was written so that the lower horizontal line is at right angle with the vertical line, while in ballot No. 39 the same letter is written with loops, up and down. Furthermore, the letters in ballot No. 28 are more erect and clearly written.

(2) Ballots Nos. 11 and 49. In ballot No. 11 there are only two persons voted for, while in No. 49 all the spaces are duly filled up. There appears to be no similarity at all in their general appearance.

(3) Ballots Nos. 15 and 5; 55 and 118; 151, 23, 150, 144, etc. According to Mr. Villanueva each of these groups of ballots were written only by one person. We have, however, found nothing to support this contention neither in his testimony nor in the appearance of the ballots themselves.

The appellant claims that ballot No. 117 should have been rejected because it was marked with the word "Liberal" and because there appear thereon traces of handwriting, from which circumstance he concludes that in this precinct a group of voters had the ballots under their control.

The word "Liberal" written on the face of the ballot in question does not constitute a distinguishing mark (*Cababasada vs. Valmoria* CA-G.R. 2226-R Oct. 5, 1948). The traces of handwriting appearing upon its face, on the other hand, do not justify the conclusion drawn by the appellant. Such traces could have been due to the fact that the voter prepared his ballot for senators first and in so doing placed it on top of ballot No. 117 which was for local officers.

Upon all the foregoing we are of the opinion, and so hold, that appellant's contention that the ballots composing the different groups mentioned in his first, third and fourth assignment of errors were written by one hand is far from having been established.

In his first assignment of error the appellant also contends that the elections in precinct No. 25 should have been annulled and/or all the contested ballots therein should have been rejected on the ground that they are marked, their stubs not having been detached. His evidence to show that there was a pre-arranged plan to identify the ballots and the voters in this manner and through this means is, to say the least, unconvincing. Florencio Policarpio's testimony purporting to prove that this wrong

was obtained through information given to him by Zoilo Santos, the nacionalista inspector who, in turn, was told—by whom it does not appear of record—that “era eso el procedimiento” (trans. pp. 509-510). The fact that the failure to detach the stubs occurred in all or almost all the ballot points, in our opinion, to the conclusion that such omission was due either to an ignorance of the requirement of the law on the subject or to mere negligence. Be that as it may, appellant's contention must be overruled because it is well settled in this jurisdiction that the failure of the poll clerk and of the board of inspectors to detach the stubs of the ballots is not a valid ground for annulling the elections or to reject the ballots (Section 149 No. 22, Act No. 180; *Lucero vs. De Guzman*, 45 Phil., 852; *Angeles vs. Rodriguez* 46 Phil., 595; *Alfaro vs. Dariela G. R.* No. 43015, Supreme Court, March 13, 1935, 5 L. J. p. 163).

In connection with his II and III assignments of error the appellant also claims that the elections in precinct No. 24 should have been annulled because of irregularities committed therein consisting in that the appellee and his partisans entered and left the electoral precinct freely during the whole day of the election, that the appellee, his wife and two daughters had electioneered within a radius of 30 meters from the polling place, that the appellee did not allow any nacionalista watcher to be inside the precinct during election day and that the board of inspectors violated the election law by allowing some voters, over the objection of the nacionalista inspector, to prepare their ballots on two school desks placed near the windows of the electoral precinct. The main evidence presented to prove these alleged irregularities, however, was the testimony of Doroteo Magpantay, nacionalista inspector in said precinct No. 24, who signed and certified the minutes, Exhibit N-1, and who appears not to have made of record any protest with respect to the irregularities he testified to during the trial. His whole testimony upon these matters is directly and successfully contradicted by that of the poll clerk, Democrito Topacio, who appears to be a disinterested witness. It must be remembered in this connection that the annulment of an entire election or the rejection of a big number of votes cast in a given precinct being a very serious matter, the power to do so must necessarily be exercised with the greatest care and only “under circumstances which demonstrate beyond all reasonable doubt that the disregard of the law has been so fundamental or so persistent and continuous that it is impossible to distinguish what votes are lawful and what are unlawful, or to arrive at any certain result whatsoever, or that the great body of the voters have been prevented by violence, intimidation and threats from exercising their franchise, that an entire election should be declared void.” (*Demetrio vs. Lopez* 50 Phil. 45.)

Regarding the alleged electioneering within a radius of thirty meters from the polling place, Magpantay testified that the appellee, his wife and two daughters, while within the radius aforesaid from the electoral precinct "hablaban a las personas que venían," but he could not tell, nor could any other witness tell, what the persons referred to allegedly said to the voters. Moreover, inasmuch as the appellant himself admits that the appellee was a resident of the barrio where precinct No. 24 was located and for that reason he had "casi el completo dominio de la situación" (Appellee's brief p. 50) it becomes really hard to believe that said appellee had to resort to any electioneering at all on election day, as charged.

The third assignment of error, in our opinion, requires no further discussion in view of our conclusion heretofore stated on the question of whether or not the appellee and his relatives had committed the violations of law mentioned therein.

It is likewise contended in the fourth assignment of error that in Precinct No. 24-A the person who wrote on the blackboard the number of votes obtained by each candidate was not a member of the board of inspectors nor the poll clerk. Assuming this to be true we do not deem it sufficient to show that frauds were committed, much less to justify the annulment of the elections held therein. The same thing may be said with reference to the following: appellant's claim that, in Precinct No. 20, it was Sedalia Benito, inspector of the Liberal Party, who delivered the ballots to the voters and not Pilar Bayonito, president of the board; that Virginia Florentino, inspector of the Nacionalista Party in Precinct No. 18-A, was the only one who had the electoral census during the elections; that the electoral census Exhibit N-6 does not show who delivered the ballots to the voters. Assuming all these claims to be true, they do not justify the conclusion that they were part and parcel of a plan to commit fraud, much less that frauds were committed. Finally, although it may be true that the result of the elections in Precinct No. 20 were altered in the case of Victor Reyes, a liberal candidate for the position of municipal councilor, there is no evidence at all that a similar violation of law was committed in the case of the appellee.

Upon all the foregoing the inescapable conclusion is that the lower court did not commit anyone of the errors assigned in appellant's brief. Consequently, the result of the elections in the contested precincts, as borne out by the election returns submitted to the municipal board of canvassers and which were the basis for the proclamation of the herein appellee as municipal mayor elect of Pasig, Rizal, must be, as the same is hereby upheld.

Wherefore, the appealed judgment is affirmed, with costs against the appellants.

UNITED STATES OF AMERICA

PHILIPPINE ALIEN PROPERTY ADMINISTRATION

VESTING ORDER No. P-254 (Supplemental Amendment)

RE: REAL PROPERTY OWNED BY THE SPOUSES YOSHIZO FURUKAWA AND TOKUKO FURUKAWA.

Vesting Order No. P-254 (Supplemental) dated May 4, 1948 is hereby amended as follows and not otherwise.

By deleting therefrom sub-paragraph 2 of said Vesting Order No. P-254 (Supplemental) and substituting therefor the following:

- (a) A parcel of agricultural land known as lot No. 135, Davao cadastre, located at 300 meters south of Toril-Daliao Road near Km. 21, Daliao, Davao City, Philippines, containing, an area of 11.2091 hectares, assessed under tax declaration No. 8216 of Davao for the year 1935, presently in the custody of the NAFCO;
- (b) A parcel of agricultural land known as Lot No. 998, Davao cadastre, located at Matina, Davao City, Philippines, containing an area of 51.5047 hectares, assessed under tax declaration No. 13391 of Davao for the year 1935, presently being occupied by squatters;
- (c) A parcel of agricultural land located at Quinonoan, Mati, Davao City, bounded on the north, by Quinonoan River; east, south and west by public lands, containing an area of 1,225.8948 hectares, assessed under tax declaration No. 2249 of the City of Davao for the year 1948, partly being occupied and cultivated by squatters, which were all conveyed to Yoshizo Furukawa by Mabel S. Reed, in her capacity as executrix of the properties left by her deceased husband, Mr. Ralph E. McFie, special case No. 330 of the Court of First Instance of Davao, under a deed of sale executed on October 9, 1935, which was duly presented for registration in the Office of the register of deeds of Davao as per Entry No. 1066 of the Day Book of Unregistered Real Property in connection with the unregistered real properties described on page 11 of the deed of sale and registered on page 209, Volume IV of the Registration Book of Unregistered Real Property, Inscription No. 800, and filed under T-No. 1382 (Registration under Act 3344) and also presented for registration as per Entry No. 243 of the Primary Register of Provincial Registrars

(Jud. Form No. 79) and is registered in connection with the property located at Mati, Davao (page 11 of document), on page 226 of Vol. III of Registration Book of Provincial Registrars (Jud. Form No. 80), Inscription No. 262 (Finca 37) and filed under T-No. 1382,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property;

All other provisions of said Vesting Order No. P-254 (Supplemental) and all actions taken by, or on behalf of the Philippine Alien Property Administrator in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Manila, Philippines, on February 14, 1951.

JAMES MC. HENDERSON
Administrator

Filed with the OFFICIAL GAZETTE on February 14, 1951, at 9:50 a.m.

VESTING ORDER No. P-598 (Supplemental)

RE: REAL PROPERTY OWNED BY SABURO AKAMINE AND OMITE AKAMINE

Under the authority of the Trading with the Enemy Act, as amended, the Philippine Property Act of 1946, and Executive Order No. 9818, and pursuant to law, after investigation, it is hereby found:

That by virtue of Vesting Order No. P-598, dated March 17, 1948, Saburo Akamine and Omite Akamine were determined to be nationals of a designated enemy country (Japan):

That the property described as follows:

A parcel of land (lot No. 250 of the cadastral survey of Guianga), with the improvements thereon, situated in the Municipal District of Guianga. Bounded on the NE. by lot No. 255; on the SE. by lot No. 249; and on the SW. by a road, * * * containing an area of 100,680 square meters more or less, covered by transfer certificate of title No. 1028 of the office of the register of deeds for the Province of Davao, together with all heredit-

aments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits and other payments arising from the ownership of such property, is property within the Philippines owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan).

And it is hereby determined:

That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan):

All determinations and action required by law having been made and taken, and, it being deemed necessary in the national interest;

There is hereby vested in the Philippine Alien Property Administrator the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, in accordance with the provisions of the Trading with the Enemy Act, as amended, and the Philippine Property Act of 1946.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within two years from the date hereof, or within such further time as may be allowed, file with the Philippine Alien Property Administrator on Form PAPA-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

Executed at Manila, Philippines, on February 12, 1951.

JAMES MCI. HENDERSON
Administrator

Filed with the OFFICIAL GAZETTE on February 12, 1951, at 2:45 p.m.

VESTING ORDER No. P-823
(Supplemental)

RE: PERSONAL PROPERTY OWNED BY GUNMAI

Under the authority of the trading with

No. 9818, and pursuant to law, after investigation, it is hereby found:

That by virtue of Vesting Order No. P-823, Gunmai was determined to be a national of a designated enemy country (Japan);

That the property described as follows:

One International Harvester machine (McCormick Deering) with serial No. 22382069, with some spare parts missing, located at the NARIC compound, Cabanatuan City, presently in the custody of Mr. Marcelino Veneracion,

is property within the Philippines owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan):

And it is hereby determined:

That to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

All determinations and action required by law having been made and taken, and, it being deemed necessary in the national interest;

There is hereby vested in the Philippine Alien Property Administrator the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, in accordance with the provisions of the trading with the Enemy Act, as amended, and the Philippine Property Act of 1946.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within two years from the date hereof, or within such further time as may be allowed, file with the Philippine Alien Property Administrator on Form PAPA-1 a notice of claim, together with a request for hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

Executed at Manila, Philippines, on February 16, 1951.

JAMES MCI. HENDERSON
Administrator

Filed with the Official Gazette on February 16, 1951, at 1:30 p.m.

RETURN ORDER NO. 78

The Vested Property Claims Committee having considered the claim set forth below and having issued a Determination with re-

final determination having been requested or undertaken,

It is ordered that the claimed property described below and in the determination, be returned:

Claimant.—Ciriaco Chunaco, Guinobatan, Albay.
Claim No. 901.

Description of property.—A parcel of land, situated in barrio Lunay, municipality of Magarao, Province of Camarines Sur. Bounded on the N. by Esperanza Tabil; on the E. by Cipriano Soor and Felipe David; on the S. by Claro Avila and Maria Carascal; and on the W. by Rufina Adolfo and Pedro Villamona, containing an area of 7.8460 hectares, and covered by Tax No. 22606;

A parcel of land, situated in barrio Lunay, municipality of Magarao, Province of Camarines Sur. Bounded on the N. by heirs of Indalisio Regado; on the E. by heirs of Indalisio Regado; on the S. by Roman Garay; and on the W. by Roman Garay; containing an area of 0.5460 hectare, and covered by Tax No. 22771;

A parcel of land, situated in barrio Lunay, municipality of Magarao, Province of Camarines Sur. Bounded on the N. by Tibursio Sanico; on the E. by Tibursio Sanico; on the S. by Segundo Sanico; and on the W. by heirs of Regeria Bello, containing an area of 0.3570 hectare, and covered by Tax No. 22772;

A parcel of land, situated in barrio Lunay, municipality of Magarao, Province of Camarines Sur. Bounded on the N. by Roman Garay; on the E. by Roman Garay and Ciriaco Portugal; on the S. by heirs of Rugaria Bello; and on the W. by Maria Taya; containing an area of 0.6560 hectare, and covered by Tax No. 22773;

A parcel of land, situated in barrio Lunay, municipality of Magarao, Province of Camarines Sur, Bounded on the N. by Januario Ortiz; on the E. by Tiburcia Regado; on the S. by Segunda Sanico; and on the W. by Januario Ortiz; containing an area of 0.3886 hectare, and covered by Tax No. 22774;

A parcel of land, situated in the barrio of Sta. Rosa, municipality of Magarao, Province of Camarines Sur. Bounded on the N. by Marcelo Aven; on the E. by Justa Abordo; on the S. by Epifanio Garcera; and on the W. by Valentin Aven and Maria Carascal; containing an area of 5.4740 hectares, and covered by Tax No. 22605, vested, among others, under V. O. No. P-411, dated Oct. 17, 1947.

Appropriate documents and papers effectuating this Order will issue.

Executed at Manila, Philippines, on February 9, 1951.

JAMES MCI. HENDERSON
Administrator

RETURN ORDER NO. 79

The Vested Property Claims Committee having considered the claim set forth below and having issued a Determination with respect thereto, which is incorporated by reference herein and such determination having been modified by the Philippine Alien Property Administrator upon his own motion, in his Order dated February 12, 1951, for the application of the Ballantyne Scale of Relative Values of the Japanese Military peso to the Philippine peso,

It is ordered that the claimed property described below and in the Determination, be returned upon the restitution by the claimant of the sum of ₱33.50, Philippine currency:

Claimant.—Maura Flores, San Fernando, La Union.
Claim No. 777.

Description of property.—Sol residencial with approximate area of 123.5 square meters and with assessed value of ₱90. The limiting boundaries are visible on all sides by means of fences. On the north, by the property of Manuela A. de Rosas; on the east, by that of Mariano Abaya; on the south, by Calle Governor Luna; and on the west, by that of Manuela A. de Rosas. Location—Ilocanos Sur, San Fernando, La Union; vested *inter alia* under V. O. No. P-57, dated Feb. 21, 1947.

Appropriate documents and papers effectuating this Order will issue.

Executed at Manila, Philippines, on February 13, 1951.

JAMES MCI. HENDERSON
Administrator

Filed with the OFFICIAL GAZETTE on February 13, 1951, at 4:00 p.m.

ORDER OF PAYMENT NO. 6

RE: DEBT CLAIM NO. 1242 (OCEANIC) COMMERCIAL, INC.) V.O. No. P-520 (I. MIYAKITA)

WHEREAS, the Philippine Alien Property Administrator vested 1,030 shares of ₱0.10 per value capital stock of Ipo Gold Mines, Inc. owned by I. Miyakita, a national of a designated enemy country (Japan), which are covered by Vesting Order No. P-520, dated February 20, 1948;

WHEREAS, on February 20, 1949, Oceanic Commercial, Inc., (Levy & Blum), a Philippine corporation organized and existing under the laws of the Philippines, with principal office and place of business in Manila, filed a debt claim against I. Miyakita for the sum of \$8.13 $\frac{1}{2}$, plus interest from

WHEREAS, on May 11, 1950, after hearing, the Vested Property Claims Committee allowed the said debt claim for the sum of ₱30.59, subject to the applicable provisions of the Trading with the Enemy Act, as amended;

WHEREAS, by Bar Order No. 11, which was published in the Federal Register on January 28, 1949, the Philippine Alien Property Administrator fixed April 7, 1949, after which the filing of debt claims in respect of I. Miyakita shall be barred;

WHEREAS, more than one hundred and twenty days have expired since the first publication of Bar Order No. 11;

WHEREAS, there are no other debt claims allowed, or pending with respect to I. Miyakita; and

WHEREAS, there is no pending suit or proceedings pursuant to sections 9 and 32 of the Trading with the Enemy Act, as amended

for the return of the property or proceeds covered by said Vesting Order No. P-520.

Now, THEREFORE, it is ordered that the debt claim of Oceanic Commercial, Inc. for the sum of ₱30.59 be paid out of such money included in, or received as not proceeds from the sale, use, or other disposition of, the property covered by Vesting Order No. P-520, as shall remain after deduction of expenses of administration and of taxes paid in respect of such property, and after deduction of such reserves for the future payment of taxes and expenses as may be established, in accordance with section 34 (d) of the Trading with the Enemy Act, as amended.

Executed this 14th day of February, 1951
in the City of Manila, Philippines.

JAMES MCI. HENDERSON
Administrator

Filed with the OFFICIAL GAZETTE on February
14, 1951, at 9:50 a.m.

LEGAL AND OFFICIAL NOTICES

Courts of First Instance

Republic of the Philippines
In the Court of First Instance of Cagayan
First Judicial District

SPECIAL PROCEEDING NO. 7.—In the matter of the petition of So WAI to be admitted as a citizen of the Philippines.

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; and to the petitioner So Wai, Tuguegarao, Cagayan; and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended by Commonwealth Act No. 535 has been filed with this Court of First Instance of Cagayan by So Wai, who alleges that he was born in Canton, China, on November 12, 1899; that he emigrated to the Philippines from Canton on or about November 9, 1920 and arrived at the Port of Manila on the vessel *Longsang*; that his present place of residence is Tuguegarao, Cagayan and his former place of residence was Laoag, Ilocos Norte; that his trade or profession is conducting the business of bakery in which he has been engaged since March, 1935 and from which he derives an average annual income of P2,500; that he is married and his present wife's name is Carmen Sabug, who was born in Tuguegarao, Cagayan, and now resides at Cagay, Tuguegarao, Cagayan; that he has no child with his present wife but he has one child with each of his first and second wives, both of whom are now deceased, and the name, date and place of birth and place of residence of each of said children are as follows: 1. Lolita So, married to Tomas Villanueva, born in 1927, in Tarlac, Tarlac, and residing at No. 30, Manhattan, Cubao, Quezon City; and 2. Emilia So, born in 1945, in Tuguegarao, Cagayan, and residing at Baggay, Tuguegarao, Cagayan; that he is able to speak and write English and Tagalog; that he has enrolled his children in the following schools: 1. Lolita So, Tarlac Elementary School (a public school) in June, 1935, and Northern Philippine College, a private secondary school recognized by the office of private education of the Philippines, in July, 1946; and 2. Emilia So, not of school age yet, she being only five years old; that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted au-

thorities as well as with the community in which he is living; that he has mingled socially with Filipinos, and has evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos; that he has all the qualifications required under section 2 and none of the disqualifications under section 4, of Commonwealth Act No. 473; that he is not opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing organized governments; that he is not defending or teaching the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas; that he is not a polygamist nor a believer in the practice of polygamy and he has never been convicted of any crime involving moral turpitude; that he is not suffering from any incurable contagious disease; that the nation of which he is citizen is not at war with the Philippines; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to China of which at this time he is a citizen or subject; that he will reside continuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship; that he is exempt from the requirement to make a declaration of intention pursuant to the provisions of section 6, Commonwealth Act No. 473, he having resided continuously in the Philippines for more than 30 years before filing this petition; citing Messrs. Venancio del Rosario and Marcelo Paguyu, both citizens of the Philippines, as witnesses whom he proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this Court at Tuguegarao, Cagayan, on the 4th day of December, 1951, at 8:30 a.m.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks, in the newspaper *Voz de Manila*, edited in the City of Manila and of general circulation in the Province of Cagayan, where the petitioner resides, and in the *Official Gazette*, once a month for three consecutive months; and that a copy of the said petition and of this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. B. Quitoriano, Judge of the Court of First Instance of Cagayan, this 14th day of November, in the year nineteen hundred and fifty.

Republic of the Philippines
 In the Court of First Instance of Cagayan
 First Judicial District
 Second Branch

CASE NO. 9-A.—*In the matter of the petition of MARTIN TAN BOON DIOK for Philippine citizenship. MARTIN TAN BOON DIOK, petitioner.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable, the Solicitor General, Manila, and the petitioner Martin Tan Boon Diok, Aparri, Cagayan, and to whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended by Act No. 535, has been presented to this Court of First Instance of Cagayan, second branch, by Martin Tan Boon Diok, who alleges that he is a widower, a Christian and resident of the municipality of Aparri, Cagayan; that he is 42 years of age, born on December 15, 1907, in Amoy, China; that he came to the Philippines on April 15, 1920, and since then, has continuously resided in Aparri, Cagayan; that the whole period of his residence he has conducted himself in a proper and irreproachable manner, both in relation with his neighbors and with the constituted Government; that he is a businessman with his principal office at Aparri, Cagayan, with an original capital of P45,000 and having an average annual gross sales of P600,000, and that he holds real properties in his name to the value of more than P5,000 all situated at Aparri, Cagayan; that he is at present a citizen and subject of the Republic of China under whose laws Filipinos may become naturalized citizens or subject thereof; that he has children the names, date and place of birth are as follows: 1. Bernardo Tan, born on August 20, 1930, Aparri, Cagayan; 2. Maximo Tan, born on May 29, 1932, Aparri, Cagayan; 3. Bibiana Tan, born on August 27, 1935, Aparri Cagayan; 4. Julian Tan, born in 1937, Aparri, Cagayan; 5. Fe Tan, born in 1938, Aparri, Cagayan; 6. Juanita Tan, born in 1940, Aparri, Cagayan; 7. Allan Tan, born on December 25, 1942, Faire, Cagayan; and 8. Tan Chong Pang, born on October 31, 1945, Aparri, Cagayan; that he has resided continuously in the Philippines for a term of more than 30 years at least immediately preceding the date of this petition, to wit, since April 15, 1920; that he is able to read and write Spanish and Ilocano dialect; that he has enrolled his children in the following schools, all recognized by the Government: (a) Cagayan Valley Institute, Aparri, Cagayan; (b) High School Department, University of Sto. Tomas, Manila; (c) Sacred Heart of Mary Institution, Aparri, Cagayan; (d) Chinese Catholic School, Manila; and (e) Chinese Kete School, Aparri, Cagayan; that he believes in the principles underlying the Philippine Constitution;

he has mingled socially with the Filipinos, and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos; that he has all the qualifications required under section 2 and none of the disqualifications under section 4 of Commonwealth Act No. 473; that he is not opposed to organized government nor affiliated with any association or group of persons who uphold and preach the doctrines opposing all organized government; that he is not defending or teaching the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas; that he is not a polygamist nor has been convicted of any crime involving moral turpitude, nor suffering from any incurable contagious disease; that the nation of which he is a citizen or subject is not at war with the United States or that of the Philippines; that he has not filed any declaration of intention to become a Filipino because he is claiming the benefits of the provisions of Commonwealth Act No. 535 for having resided in the Philippines for over 30 years; that he will continuously reside in the Philippines from the date of the filing of this petition up to the time of his admission to the Philippine citizenship; that in support of his petition he will present as witnesses Messrs. Elias Canapi and Nemesio Furaganan, who are both of legal age and Filipino citizens; that his landing certificate has been lost and notwithstanding diligent effort to locate same it can no longer be found; and that photostatic copy of his immigration certificate of residence No. 9691, OR. No. B 708078, and his alien certificate of registration No. 70237-V. O. R. No. 622058, both of which were issued by the Bureau of Immigration, are attached and made a part of his petition, marked as Appendix "C" and that originals of said papers will be submitted during the hearing of this petition.

Therefore, you are hereby given notice that said petition will be heard by this Court in Aparri, Cagayan, on the 25th of June, 1951, at 8:30 o'clock, a.m.

Let this notice be published at the expense of the petitioner once a week for three consecutive weeks, in the *Official Gazette* and in the *Nueva Era*, a newspaper of general circulation in the Province of Cagayan, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Juan M. Ladaw, Judge of this Court of First Instance of Cagayan, this 24th day of November, in the year nineteen hundred and fifty.

Republic of the Philippines
 In the Court of First Instance of Cagayan
 First Judicial District
 Second Branch

CASE No. 10-A.—*In the matter of the petition of CHUA YAN SAN for Philippine citizenship. CHUA YAN SAN, petitioner.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable, the Solicitor General, Manila, and the petitioner Chua Yan San, Aparri, Cagayan, and to whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended by Act No. 535, has been presented to this Court of First Instance of Cagayan, second branch, by Chua Yan San who alleges that he is 38 years of age, having been born on August 12, 1912, in Aparri, Cagayan, married to Tan Boon Kua, of legal age, born on February 29, 1916, in Amoy, China, and both of them are residents now of Aparri, Cagayan; that he went to China for a visit for five years and arrived in the Philippines on May 16, 1927 as a returning native born, by virtue of application No. 72604, as is shown by his landing certificate a photostatic copy of which is attached to the petition, marked as appendix A and made part of it; that since birth up to the present, except for a transient visit, he has continuously resided in Aparri, Cagayan; that during the whole period of his residence he has conducted himself in a proper and irreproachable manner, both in relation with his neighbors and with the duly constituted Government; that he is a businessman with his principal office at Aparri, Cagayan; that his original capital is ₱22,565; that his business is engaged in merchandising; that he holds real properties in his name to the value or more than ₱2,000 situated at Aparri; that he is at present a citizen and subject of the Republic of China under whose laws Filipinos may become naturalized citizens or subjects thereof; that he has children, their names, date and place of birth are as follows: 1. Wilfredo Chua, born December 26, 1936, Aparri, Cagayan; 2. Unching Chua, born May 14, 1938, Aparri, Cagayan; 3. Wilson Chua, born April 13, 1940, Aparri, Cagayan; 4. William Chua, born August 16, 1941, Aparri, Cagayan; 5. Windell Chua, born December 25, 1943, Aparri, Cagayan; 6. Earlito Chua, born July 31, 1946, Aparri, Cagayan; 7. Peter Chua, born April 5, 1948, Aparri, Cagayan; and 8. John Chua, born April 25, 1949, Aparri, Cagayan; that he has resided continuously in the Philippines for a term of more than 20 years at least immediately preceding the date of his petition, to wit, since May 16, 1927; that he is able to read and write English and Ilocano, the latter being a principal Philippine dialect; that he enrolled his children in the following schools,

all recognized by the Philippine Government: (a) Philippine Chinese School, Manila; (b) Chinese Catholic School, Manila, and (c) Aparri Kete School, Aparri, Cagayan; that he believes in the principles underlying the Philippine Constitution, he has mingled socially with the Filipinos, and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos; that he has all the qualifications required under section 2 of Commonwealth Act No. 473; that he is not opposed to organized government nor affiliated with any association or group of persons who uphold and preach the doctrines opposing all organized government; that he is not defending or teaching the necessity or propriety of violence, personal assault or assassination for the success or predominance of men's ideas; that he is not a polygamist nor has been convicted of any crime involving moral turpitude, nor suffering from any incurable contagious disease; that the nation of which he is a citizen or subject is not at war with the United States or that of the Philippines; that he has not filed any declaration of intention to become a Filipino because he is claiming the benefits of the provisions of Commonwealth Act No. 535 for having been born in the Philippines and has resided therein for more than 30 years; that he will continuously reside in the Philippines from the date of the filing of this petition up to the time of his admission to the Philippine citizenship; that in support of his petition he will present as witnesses Messrs. Dionisio A. Tajon and Antonio Foz who are both of legal age and Filipino citizens; and that the photostatic copies of his Immigration Certificate of Residence and his Alien Certificate of Registration both of which were issued by the Bureau of Immigration are attached to the petition and included in Appendix "A" and that the original of said papers will be submitted during the hearing of this petition.

Therefore, you are hereby given notice that the said petition will be heard by this Court in Aparri, Cagayan, on the 24th day of June, 1951, at 8 o'clock a.m.

Let this notice be published at the expense of the petitioner once a week for three consecutive weeks, in the *Official Gazette* and in the *Nueva Era*, a newspaper of general circulation in the Province of Cagayan, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Juan M. Ladaw, Judge of this Court of First Instance of Cagayan, this 24th day of November, in the year nineteen hundred and fifty.

Republic of the Philippines
In the Court of First Instance of Cebu
Fourteenth Judicial District

CASE No. 101.—*In re: Petition for Philippine citizenship by KUAN SIK CHUN*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Messrs. Cuenco Law Office & Atty. Nicolas Jumapao, Cebu City, attorney for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Cebu by Kuan Sik Chun who alleges that he emigrated/returned to the Philippines from Canton, China on or about the 6th day of June, 1911, and arrived at the port of Iloilo, Philippines; that he is a resident of 181 Bonifacio St., Cebu City, that his trade or profession is that of soft drinks manufacturer in which he has been engaged since 1917; that he is married; that his wife's name is Corazon Nacus, who was born in Minglanilla, Cebu and now resides at 181 Bonifacio St., Cebu City; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows: Benjamin Woo, March 30, 1929, Cebu City, Cebu City; Milagros Woo, May 17, 1931, Cebu City, Cebu City; Violeta Woo, October 23, 1934, Cebu City, Cebu City; Eduardo Woo, December 25, 1936, Cebu City, Cebu City; Erlinda Woo, July 6, 1938, Cebu City, Cebu City; Perla Woo, October 29, 1941, Cebu City, Cebu City; and Virginia Woo, November 15, 1945, Balamban, Cebu; that he is able to speak and write English/Spanish and Visayan dialect; that he is entitled to the benefit of section 3, Commonwealth Act No. 473 (which reduces to five years the ten years of continuous residence required by paragraph two of section 2 of said Act) for the following reasons: He is married to a Filipino woman; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty (30) years from the filing of the declaration of intention) for the following reasons: He resided in the Philippines for more than 30 years citing Messrs. Dr. Luis V. Espina and Antonio E. Batucan both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 4th day of September, 1951 A. D., at 8:00 a.m. and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *The Republic*, a newspaper of general circulation in the Province/City of Cebu where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Edmundo S. Piccio, Judge of the Court of First Instance of Cebu, this 5th day of December in the year nineteen hundred and fifty.

EUGENIO RODIL
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Cebu

CASE No. 100.—*In re: Petition for Philippine citizenship by WENDELL T. UYTENGSU*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Messrs. Zosa & Rosales, Cebu City, attorney for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Cebu by Wendell T. Uytengsu who alleges that he was born in Dumaguete, Negros Oriental; that his trade or profession is that of student since 1939; that he is single; that he is able to speak and write English/Spanish and Cebuan dialect; that he is entitled to the benefit of section 3, Commonwealth Act No. 473 (which reduces to five years the ten years of continuous residence required by paragraph two of section 2 of said Act) for the following reasons: He was born in the Philippines; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty years from the filing of the declaration of intention) for the following reasons: He was born in the Philippines, citing Messrs. Hon. Nicolas Escario and Atty. Pedro B. Uy Calderon, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 4th day of September, 1951 A. D., at 8:00 a.m. and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *La Prensa*, a newspaper of general circulation in the Province/City of Cebu where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Ignacio Debuque, Judge of the Court of First Instance of Cebu, this 25th day of November in the year nineteen hundred and fifty.

Attest:
[12; 1, 2]

EUGENIO RODIL
Clerk of Court

Republic of the Philippines
 In the Court of First Instance of Zamboanga
 Sixteenth Judicial District

NATURALIZATION CASE NO. 27.—*In the matter of the petition of Go CAM HI alias MARIANO Go to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Atty. Abelardo A. Climaco, counsel for the petitioner, City of Zamboanga, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court by Go Cam Hi *alias* Mariano Go, through his attorney, Mr. Abelardo A. Climaco, alleging that the petitioner was born on July 15, 1906 in Amoy, Fookien, China, having arrived in the Philippines, on or the year 1919 on the vessel the name of which he does not now recall, which touched the Port of Manila, and is now residing in the City of Zamboanga, Philippines; that he is the manager of the Mindanao Lumber Company from which he derives an annual income of P7,200, more or less; that he can speak and write the English and Tagalog languages; that he is married to Mary Lorenzo, who was born in the City of Zamboanga, Philippines, and has children, namely: Margarita Go, who was born on May 20, 1942, in the City of Manila; Anita Go, born on February 28, 1944, in the City of Manila; Elsie Go, born on August 11, 1946, in the City of Manila, and Virginia Go, born on February 20, 1948, in the City of Manila, who are now all residing in the City of Zamboanga; that presently he is a citizen of China, which citizenship he is willing to renounce; and that he does not possess any of the disqualifications provided for under the Philippine Naturalization Law. He cites Messrs. Rafael Paredes and Francisco Barrios, Jr., all Filipino citizens, and residents of the City of Zamboanga, as the witnesses whom he proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard before this Court, at the City of Zamboanga, Philippines, on the 17th day of November, 1951, at 8:30 o'clock in the morning.

Let this notice be published, at the expense of the petitioner, once a month for three consecutive months in the *Official Gazette*, and once a week for three consecutive weeks in the *Zamboanga Times*, a newspaper of general circulation in the City and Province of Zamboanga, and also copies of the petition and of this notice be posted in the bulletin board in the office of the Clerk of this Court.

Witness the Hon. Pablo Villalobos, Judge of the Court of First Instance, City of Zamboanga, Philippines, this 25th day of November, 1950.

CIRILO S. RIVERA
 Clerk of Court

Republic of the Philippines
 In the Court of First Instance of Quezon
 Ninth Judicial District

NATURALIZATION CASE NO. 38.—*In the matter of the petition of PEDRO TAN LEE alias PEDRO TAN DIAN KUAN to be admitted a citizen of the Philippines.*

To the Honorable Solicitor General, Manila, and the petitioner Pedro Tan Lee *alias* Pedro Tan Dian Kuan, Lucena, Quezon, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Quezon Province by Pedro Tan Lee *alias* Pedro Tan Dian Kuan who alleges that he was born on the 29th day of June, 1923, in Sariaya, Quezon Province as per Annex A of the petition; that at present he is a citizen of the Republic of China, under whose laws Filipinos may become naturalized citizens thereof; that his present place of residence is in Juarez Street, Lucena, Quezon Province, but formerly in Sariaya, same province; that he is married and his wife's name is Tan Giok Kuan who was born in Amoy, China, and who is now residing with him; that he has no children; that his trade or profession is that of a merchant, in which he has been engaged since 1946, and from which he derives an average annual income of P2,400; that he does not own any real estate; that he had resided continuously in the Philippines for a term of 26 years at least, since June 29, 1923, and in the municipality of Sariaya, Province of Quezon, or in Lucena, Quezon, for a term of 10 years at least, immediately preceding the date of his petition, to wit, since the year 1939; that he can speak and write English and Tagalog languages; that he has enrolled in the following schools: 1933 Sariaya Elementary School until graduation and in 1939-1941 Lucena Catholic School under the Maryknoll Sisters until the outbreak of the last world war; that he has not heretofore made petition for citizenship to any court; and that he cites Messrs. Eligio Magallanes and Antonio Maximo, both Filipinos and of legal age and residents of Lucena, Quezon, as the witnesses whom he proposes to introduce at the hearing in support of his said petition.

Therefore, you are hereby given notice that the said petition will be heard by this Court of First Instance of Quezon Province, branch II, on the 4th day of September, 1951, at 8:30 o'clock in the morning in its session hall at Lucena, Quezon, Philippines.

Let this notice be published, at petitioner's expense, once a week for three consecutive weeks in the newspaper, *The Manila Daily Bulletin*, edited in the City of Manila and of general circulation in the Province of Quezon where the petitioner

resides, and also in the *Official Gazette*, once a month for three consecutive months beginning with its issue of December, 1950, and let a copy of said petition and of this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Vicente Santiago, judge of this court, branch II, this 24th day of November, 1950, at Lucena, Quezon, Philippines.

GREGORIO L. GONZALEZ
Clerk of Court

[12; 1, 2]

Republic of the Philippines
In the Court of First Instance of Quezon
Ninth Judicial District

NATURALIZATION CASE No. 49.—*In the matter of the petition of TAN SIAO BIN alias BEN S. TAN to be admitted a citizen of the Philippines.*

To the Honorable Solicitor General, Manila, and the petitioner Tan Siao Bin alias Ben S. Tan of Lucena, Quezon Province, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Quezon by Tan Siao Bin alias Ben S. Tan who alleges that he was born in Amoy, China, on November 2, 1910; that at present he is a citizen or subject of the Republic China, under whose laws Filipinos may become naturalized citizens or subject thereof; that this present place of residence is in Quezon Avenue, Lucena, Quezon Province, and his former places of residence were in Manila and in Calauag, Quezon; that his trade or profession is that of a merchant, in which he has been engaged since 1930, and from which he derives an average income of not less than P3,000 annually; that he is married and his wife's name is Maria Limbuanco, 30 years of age and was born in Manila on October 22, 1920, and now resides with him; that he has one child named Peter Tan, who was born in Lucena, Quezon, on September 8, 1949, and residing with him in Lucena, Quezon Province; that he emigrated to the Philippines from Amoy, China, and arrived at the port of Manila, Philippines, on June 21, 1919, on board the *S.S. Taysing*; that he has resided continuously in the Philippines for a period of more than 30 years, immediately preceding the date of this petition, to wit, since June 21, 1919, and in the municipality of Lucena, Quezon, for a term of at least one year, immediately preceding the date of said petition, to wit, since the year 1940; that he can write and speak in English and Tagalog languages; that he has not yet enrolled his only child for being under school age; that he has not heretofore made any petition for citizenship to any court; that he is exempt from

6 of Commonwealth Act No. 473 as amended; and citing Mayor Amando B. Zaballero of Lucena, Quezon, and Mr. Maximo Zepeda of Calauag, Quezon, both Filipinos and of legal age, as the witnesses whom he proposes to introduce at the hearing in support of his petition.

Therefore, you are hereby given notice that the said petition will be heard by this Court of First Instance of Quezon Province, branch II, on the 5th day of September, 1951, at 8:30 o'clock in the morning in its session hall at Lucena, Quezon, Philippines.

Let this notice be published, at petitioner's expense, once a week for three consecutive weeks in the newspaper, *Bagong Buhay*, edited in the City of Manila and of general circulation in the Province of Quezon where the petitioner resides, and also in the *Official Gazette*, once a month for three consecutive months beginning with its issue of December, 1950, and let a copy of said petition and of this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Vicente Santiago, judge of this court, branch II, this 24th day of November, 1950, at Lucena, Quezon, Philippines.

GREGORIO L. GONZALEZ
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Quezon
Ninth Judicial District

NATURALIZATION CASE No. 50.—*In the matter of the petition of TAN SIAN to be admitted a citizen of the Philippines.*

To the Honorable Solicitor General, Manila, and the petitioner Tan Sian of Quezon, Quezon Province, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Quezon by Tan Sian who alleges that he was born on the 27th day of November, 1917, in Lamoa, Amoy, China; that at present he is a citizen or subject of the Republic of China, under whose laws Filipinos may become naturalized citizens or subjects thereof; that his present place of residence is in the municipality of Quezon, Quezon Province; that his trade or profession is that of a merchant in which he has been engaged since 1946, and from which he derives an average annual income of P20,000; that he is married and his wife's name is Juliana Argoso who was born in Quezon, Quezon Province, and now resides with him also in Quezon, Quezon; that he has children whose names, dates and places of birth and residence of which are as follows: Reynaldo Tan, born on May 1, 1945, Anita Tan, born on May 15, 1947 and Celita Tan, born on July 1, 1949, being all born in Quezon, Quezon

emigrated to the Philippines from Lamo, Amoy, China, on or about the 24th day of February, 1921, and arrived at the port of Manila, Philippines, on the vessel *Susana*; that he has resided continuously in the Philippines for a term of 29 years at least, immediately preceding the date of his petition, to wit, since February 28, 1921, and in the municipality of Quezon, Tayabas, (now Quezon) for a term of one year at least, immediately preceding the date of this petition, to wit, since the year February 27, 1921; that he can speak and write Tagalog language; that he has enrolled his child, Reynaldo Tan in Quezon Elementary School in July 1950; that he has not herefore made petition for citizenship to any court; and that he cites Messrs. Jose Genciana and Pelagio San Pablo, both of legal age and Filipinos, and respectively, the mayor and treasurer of Quezon, Quezon Province, as the witnesses whom he proposes to introduce at the hearing in support of his petition;

Therefore, you are hereby given notice that the aforesaid petition will be heard by this Court of First Instance of Quezon Province, branch II, on the 6th day of September, 1951, at 8:30 o'clock in the morning in its session hall at Lucena, Quezon, Philippines.

Let this notice be published, at petitioner's expense, once a week for three consecutive weeks in the newspaper, *The Manila Chronicle*, edited in the City of Manila and of general circulation in the Province of Quezon where the petitioner resides, and also in the *Official Gazette*, once a month for three consecutive months beginning with its issue of December, 1950, and let a copy of said petition and of this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Vicente Santiago, judge of this court, branch II, this 27th day of November, 1950, at Lucena, Quezon, Philippines.

GREGORIO L. GONZALEZ
Clerk of Court

[12; 1, 2]

Republic of the Philippines
In the Court of First Instance of Quezon
Ninth Judicial District

NATURALIZATION CASE NO. 51.—*In the matter of the petition of ALFREDO LIM alias LIM ENG SIONG to be admitted a citizen of the Philippines.*

To the Honorable Solicitor General, Manila, and the petitioner Alfredo Lim alias Lim Eng Siong of Lucena, Quezon Province, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Quezon Province by Alfredo Lim alias Lim Eng Siong who alleges that he was born on the 13th day

of September, 1927, in the municipality of Atimonan, Quezon Province; that at present he is a citizen of the Republic of China, under whose laws Filipinos may become naturalized citizens thereof; that his present place of residence is at Quezon Avenue St., % International Construction Supply, Lucena, Quezon Province; that his trade or profession is that of a merchant in which he has been engaged since 1947 and from which he derives an average annual income of P5,000; that he is single; that he has never left the Philippines since his birth; that he has resided continuously in the Philippines for a term of more than ten years at least, immediately preceding the date of his petition, to wit, since his birth; that he has studied in the provincial high school of Lucena, Quezon; that he can speak and write English and Tagalog languages; that he is entitled to the benefit of section 3 of Commonwealth Act No. 473, which reduces to five years the ten years of continuous residence required by paragraph two of section 2 of the said Act, for the reason that he was born in the Philippines; that he has not heretofore made petition for citizenship to any court; that no declaration of intention to become a citizen of the Philippines and Certificate of Arrival or Landing Certificate of Residence were attached to his petition in view of his exemption under section 6 of Commonwealth Act No. 473, as amended, and the averments embodied in paragraphs Nos. 4 and 6 of his petition; and that he cites Atty. Ramon M. Ingente, member of the provincial board of Quezon Province, and Mr. Casto Profugo, a municipal councilor of Lucena, both of legal age and Filipinos and also both residing in Lucena, Quezon Province, as the witnesses whom he proposes to introduce at the hearing in support of his petition;

Therefore, you are hereby given notice that the aforesaid petition will be heard by this Court of First Instance of Quezon Province, Branch I, on the 3rd day of September, 1951, at 8:30 o'clock in the morning in its session hall at Lucena, Quezon, Philippines.

Let this notice be published, at petitioner's expense, once a week for three consecutive weeks, in the newspaper, *The Manila Chronicle*, edited in the City of Manila and of general circulation in the Province of Quezon where the petitioner resides, and also in the *Official Gazette*, once a month for three consecutive months beginning with its issue of December, 1950, and let a copy of said petition and of this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Antonio Cañizares, judge of this court, branch I, this 27th day of November, 1950, at Lucena, Quezon, Philippines.

[12; 1, 2]

GREGORIO L. GONZALEZ

Clerk of Court

Republic of the Philippines
 In the Court of First Instance of Zambales
 Third Judicial District

NATURALIZATION CASE No. 6.—*In the petition for Philippine citizenship. YAP CHU, petitioner*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila, and Mr. Yap Chu of San Narciso, Zambales, and to all whom it may concern:

Whereas, a petition for Philippine citizenship, pursuant to the provisions of Commonwealth Act No. 473 as amended, has been presented in this Court by Yap Chu, who alleges that he arrived in the Philippines on March 29, 1920; that he is presently residing in the poblacion of San Narciso, Zambales, that his trade or profession is that of a merchant, of which he has been engaged since 1920; that he was born on March 4, 1908 in Amoy, China; that he is married to Justa de la Cruz of San Narciso, Zambales; that he has six children with said Justa de la Cruz, namely: Luciano, born on January 7, 1933; Marcelo, born on December 2, 1935; Benjamina, born on March 31, 1939; Jaime, born on October 17, 1944; Filipina, born on July 25, 1947; and Domingo, all surnamed Yap, born on February 8, 1948, all born in San Narciso, Zambales; that all said children are residing in San Narciso, Zambales; that he has enrolled Luciano at the Zambales Academy at San Narciso, Zambales, and Marcelo, Benjamina and Domingo, at the San Narciso Elementary School; that he has resided continuously in the Philippines for a term of thirty years and in the Province of Zambales for a term of one year at least immediately preceding the date of his petition; that he is able to speak and write Tagalog and Ilocano; that he is entitled to the benefits of section 3 of Commonwealth Act No. 473 as amended by being married to a Filipino woman; and that he has never filed a petition for Filipino citizenship in any other Court of the Philippines. He cites Canuto de la Cruz and Rev. Antonio E. Bello, both of San Narciso, Zambales, as witnesses whom he promises to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court at Iba, Zambales, on the 18th day of September, 1951 at 8:30 a.m.

Let this notice be published at the expense of the petitioner one a week for three consecutive weeks, in the *Nueva Era*, a newspaper edited in the City of Manila and of general circulation in this province where the petitioner resides, and in the *Official Gazette*, once a month for three consecutive months, and that said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court, at Iba, Zambales.

Witness the Hon. Enrique Maglanoc, Judge of this Court of First Instance of Zambales, this 1st day of December, 1950.

[12; 1, 2]

JESUS T. AMON
 Clerk of Court

Republic of the Philippines
 In the Court of First Instance of Misamis Occidental
 Sixteenth Judicial District

NATURALIZATION CASE No. 19.—*In the matter of the petition of LIM ING alias IGNACIO LIM to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila, Mr. Lim Ing alias Ignacio Lim, Ozamiz City, and to all whom it may concern:

Whereas, a petition for Philippine citizenship has been presented to this Court of First Instance of Misamis Occidental by Mr. Lim Ing alias Ignacio Lim, who alleges that he was born on August 25, 1908 in Maca, Lamo, China, where Filipinos may become naturalized citizen and subject thereof; that he emigrated to the Philippines from Maca, Lamo, China, and arrived in the port of Cebu City on board the steamer *Kin Nua* on December 14, 1915; that he was formerly a resident of Loay, Bohol from December 15, 1915 to December 30, 1924, in Damiao, same province, from January 1, 1925 to June 8, 1945 and in the City of Ozamiz, his present place of residence from June 9, 1945 to date; that he has continuously resided in the Philippines for a term of 34 years at least, immediately preceding the date of the filing of the petition, to wit: from December 14, 1915; that his occupation is that of a businessman having his own store in the City of Ozamiz with a capital of about ₱15,000 and from which he derives an average annual income of ₱6,000; that he is married and his wife's name is Dolores Yulo who was born on May 8, 1909 in Loboc, Bohol; that he is the father of four children, namely: Francisco Lim, June 16, 1929, Damiao, Bohol, Ozamiz City; Consolacion Lim September 28, 1933, Damiao, Bohol, Ozamiz City; Teofilo Lim, December 20, 1935, Damiao, Bohol, Ozamiz City; and Clarita Lim, June 14, 1939, Damiao, Bohol, Ozamiz City. That he has enrolled his children in the following institutions: Francisco Lim, 2nd year high school, Misamis Institute; Consolacion Lim, 1st year high school, Misamis Institute; Teofilo Lim, 5th grade, Chinese School, Ozamiz City; and Clarita Lim, 4th grade, elementary school, Ozamiz City. That he believes in the principles underlying the constitution; has conducted himself in proper and irreproachable manner during the period of his residence in the Philippines in his relation with the constituted government, as well as the community in which he lives; has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace

the customs, traditions and ideals of the Filipinos; that it is his intention in good faith to be a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, sovereignty, and particularly to the Republic of China of which, at this time, he is a citizen or subject, and he will reside continuously in the Philippines from the date of the filing of this petition up to the time of his admission to Philippine citizenship.

That he is able to speak and write English and the Cebu-Visayan dialect, citing Messrs. Maximo Lago and Cruz Galleto, both of legal age and residents, the former of the City of Ozamiz and the latter in Tudela, Misamis Occidental, who are Filipino Citizens whom the petitioner proposes to introduce as his witnesses in support of his petition.

Therefore, you are hereby given notice that the said petition will be heard by this court at its session hall in Oroquieta, Misamis Occidental, on September 15, 1951 at 8:00 a.m.

Let this notice be published, at the expense of the petitioner, in the *Official Gazette* for three consecutive issues and in the *Nueva Era*, a newspaper edited in Manila and of general circulation in the City of Ozamiz, Province of Misamis Occidental, where the petitioner resides, for three consecutive weeks, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of this Court.

Witness the Hon. Patricio C. Ceniza, Judge of said court, this 12th day of December, 1950, at Ozamiz City.

VICENTE D. ROA
[12; 1, 2]
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Cebu
Fourteenth Judicial District

CASE No. 102.—*In re: Petition for Philippine citizenship by RAMON TING alias TING TIAN YU*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP
To the Honorable Solicitor General and Mr. Lamberto O. Bajarias, attorney for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Cebu by Ramon Ting who alleges that he was born in Anhai, Fukien, China and that he emigrated to the Philippines from China on or about the middle of March, 1920, and arrived at the port of Cebu, Philippines, on the vessel he can no longer remember: that he is a resident of Cebu City; that his trade or profession is that of an employee in which he has been engaged since 1937; that he is married; that his wife's name is Conchita Tan, who was born in

Jolo, Sulu and now resides at 132-E Colon St., Cebu City; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows: 1. Erlinda Ting; May 22, 1941; Jolo, Sulu; 132-E Colon St., Cebu City; and 2. Teodoro Ting; Oct. 23, 1944; Compostela, Cebu; 132-E Colon St., Cebu City, that he is able to speak and write English and Cebuano-Visayan dialect; that he is going to enroll his children in any of the public or private schools in the Philippines where Philippine History, Government and Civics are taught or prescribed as part of the school curriculum; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty years from the filing of the declaration of intention) for the following reasons:

That he has resided in the Philippines for a term of 30 years, to wit: since March, 1920; citing Messrs. Luis V. Espina and Uldarico Alviola, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 18th day of October 1951, at Cebu City; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *The Republic*, a newspaper of general circulation in Cebu City where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Juan L. Bocar, Judge of the Court of First Instance of Cebu, this 15th day of December in the year nineteen hundred and fifty.

Attest:
[12; 1, 2]
EUGENIO RODIL
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Quezon
Ninth Judicial District
Branch I

NATURALIZATION CASE No. 52.—*In the matter of the petition of ROBERTO C. LICUP alias So Kok SUAN to be admitted a citizen of the Philippines.*

To the Honorable Solicitor General, Manila, and the petitioner Roberto C. Licup, alias So Kok Suan, Cabuñag Street, Candelaria, Quezon province, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Quezon province by Roberto C. Licup alias So Kok Suan who alleges that he was born on the 7th day of July, 1928, in

the municipality of Candelaria, Province of Quezon, Philippines; that at present he is a citizen of the Republic of China, under whose laws Filipinos may become naturalized citizens thereof; that his present place of residence is in Cabuñag Street, municipality of Candelaria, Province of Quezon; that he is married and his wife's name is Mary Loy who is also a Chinese and who was born in Caloocan, Rizal, and presently residing with the petitioner; that he has no child so far; that his trade or profession is that of a proprietor and assistant manager and cashier of Licup Rice Mill in which he has been engaged since 1949, and from which he derives an average annual income of ₱1,800; that he is the owner of real estate, situated in the municipality of Candelaria, Quezon province, with an assessed value of ₱7,000; that he never left the Philippines since his birth; that he has resided continuously in the Philippines for a term of more than ten years at least, immediately preceding the date of his petition, to wit: since his birth; that he studied commerce in the Institute of Account, Business and Finance, Far Eastern University in 1948; that he can speak and write English and Tagalog languages; that he has not heretofore made petition for citizenship to any court; that in view of section 6 of Commonwealth Act No. 473, as amended, and the averments embodied in paragraphs Nos. 4 and 6 of his petition he did not attach to his petition a declaration of intention to become a citizen of the Philippines and certificate of arrival or landing certificate of residence; and citing Mr. Eligio Manalo and Atty. Feliciano V. de Gala, respectively, mayor and justice of the peace of Candelaria, Quezon, both Filipinos, of legal age and residents of Candelaria, Quezon, as the witnesses whom he proposes to introduce at the hearing in support of his petition.

Therefore, you are hereby given notice that the said petition will be heard by this Court of First Instance of Quezon province, branch I, on the first day of October, 1951, at 8:30 o'clock in the morning in its session hall at Lucena, Quezon, Philippines.

Let this notice be published, at petitioner's expense, once a week for three consecutive weeks in the newspaper, *The Manila Chronicle*, edited in the City of Manila and of general circulation in the Province of Quezon where the petitioner resides, and also in the *Official Gazette*, once a month for three consecutive months, and let a copy of said petition and of this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Antonio Cañizares, judge of this court, branch I, this 22nd day of December, 1950, at Lucena, Quezon, Philippines.

GREGORIO L. GONZALES
Clerk of Court

[12; 1, 2]

Republic of the Philippines
In the Court of First Instance of Rizal

NATURALIZATION CASE NO. 93.—*In the matter of the petition of ROBERTO CHUA to be admitted a citizen of the Philippines.*

NOTICE OF HEARING

To the Honorable Solicitor General; Atty. Jose M. Santos, 226 Palomo Building, Manila; Roberto Chua, Tugatog, Malabon, Rizal, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended by Commonwealth Act No. 535 has been presented in this Court of First Instance of Rizal by Roberto Chua, who alleges, that his present place of residence is Tugatog, Malabon, Rizal, and his former residence was 839 Dagupan Street, Tondo, Manila; that his occupation is assistant manager of "Eng Hong Rice and General Merchants," 839 Dagupan St., Tondo, Manila, with an annual salary of ₱1,800, since January 1, 1950, and assistant general manager of the Malabon Bihon Factory, with an annual salary of ₱1,800, since August 1, 1950; that he was born on the 12th day of March, 1923, in the barrio of Canalate, municipality of Malolos, Province of Bulacan, Philippines; that he is at present a citizen or subject of the Republic of China, under whose laws Filipinos may become naturalized citizens or subjects thereof; that he is single and has not begotten any child with any woman; that he has finished or completed the primary and intermediate grades from the Malolos Elementary School, Bulacan, the high school course from the Far Eastern University, Manila, and his Associate in Arts course (preparatory medicine) from the National University and Quezon Colleges, Manila; that he has resided continuously in the Philippines for a term of 26 years at least, immediately preceding the date of this petition, to wit, since March 12, 1923, and in the barrio of Tugatog, municipality of Malabon, Province of Rizal, for a term of at least one year, immediately preceding the date of this petition, to wit, since the year 1946; that he is able to speak and write English and Tagalog; and that he cites as witnesses whom he proposes to introduce in support of his petition, Messrs. Francisco Sevilla, of legal age, residing at No. 131 Tuberias Street, San Juan, Rizal, and Marcelo M. Espiritu, of legal age, and residing in the barrio of Tinajeros, Malabon, Rizal, both Filipino citizens.

Wherefore, you are hereby given notice that the said petition will be heard by this Court, sitting in Pasig, Rizal, on the 11th day of August, 1951, at 8:30 a.m.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks, in the newspaper, *The Star Reporter*, of general circulation in this province and in the *Official*

Gazette, and also let copies of the same be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Demetrio B. Encarnacion, judge of this court, this 20th day of December, 1950.

Attest:
[12; 1, 2]

SEVERO ABELIERA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Rizal
Quezon City (Branch III)

NATURALIZATION CASE No. Q-20.—*In the matter of the petition of ADOLFO VILLA-ABRILLE LIM (LIM KIAT SIONG) to be admitted a citizen of the Philippines.*

NOTICE OF HEARING

To the Honorable Solicitor General, Manila; Mr. Adolfo Villa-Abrille Lim % Claro M. Recto, 5th Floor, Filipinas Bldg., Manila; and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Act No. 535 has been presented in this Court by Adolfo Villa-Abrille Lim, who alleges that he was born on the 9th day of March, 1917 in Davao City, Philippines; that he is a purchasing agent in Manila of the Davao Hardware Co., Davao City from which he derives an average annual income of ₱13,000; that he is married; that his wife's name is Francis Siy Cong Bieng who was born at the San Juan de Dios Hospital, Real, Intramuros, Manila; that he has one child named Edwin Villa-Abrille Lim who was born on March 23, 1950 and residing at South 10th (corner Sough G), Quezon City; that he has resided continuously in the Philippines for a term of 33 years at least, immediately preceding the date of this petition, to wit, since the date of birth, and in Quezon City, for a term of one year at least, immediately preceding the date of his petition, to wit, since May, 1949; that he is entitled to the benefit of section 3 of Commonwealth Act No. 473; that he is exempt from filing a declaration of intention; that he is able to speak and write English and Tagalog. He cites Messrs. Isidro Bastida and Carlos Villa-Abrille, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that the said petition will be heard by this Court on the 14th day of July, 1951 at 8:30 a.m.

Let this notice be published at the expense of the petitioner once a week for three consecutive weeks, in the *Official Gazette*, and in the *Voz de Manila*, a newspaper of general circulation in the Province of Rizal and in Quezon City, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Ceferino de los Santos, Judge of this Court of First Instance of Rizal, Quezon City (Branch III), this 20th day of December, 1950.

BENITO MACROHON
Clerk of Court

Republic of the Philippines
In the Court of First Instance, Province of Cebu
Fourteenth Judicial District

CASE No. 103.—*In re: Petition for Philippine citizenship by Go SIONG MIT*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Mr. Nicolas N. Jumapao, Cebu City, attorney for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Cebu by Go Siong Mit who alleges that he was born in China or that he emigrated to the Philippines from Chin-kang, China on or about the 27th day of April, 1910 and arrived at the port of Cebu, Philippines, (petitioner does not remember the name of vessel); that he is a resident of Cebu City; that his trade or profession is that of a businessman, being a manager and partner of Go Occo & Company in which he has been engaged since for several years; that he is married; that his wife's name is Go Ec, who was born in Chinkang, Fukien, China and now resides at Lahug, Cebu City; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows: Leonardo Go alias To To Say, Cebu City, May 6, 1924; Dominga Go Pin Tin, Cebu City, May 12, 1926; Florencia Go Siu Tin, Cebu City, November 7, 1933; Nenita Go, Cebu City, May 15, 1938; and Anita Go, Cebu City, February 26, 1940; that he is able to speak and write English, Spanish and Cebu Visayan dialect. He has enrolled his minor children of school age in schools recognized by the government where Philippine history, civics and government are taught; that he is entitled to the benefit of section 3, Commonwealth Act No. 473 (which reduces to five years the ten years of continuous residence required by paragraph two of section 2 of said Act) for the following reasons: he has resided continuously in the Philippines for a period of more than thirty years before the filing of this petition, that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty years from the filing of the declaration of intention) for the following reasons: Continuous residence in the Philippines; citing Messrs. Hon. M. Jesus Cuenco and Dr. Alejandro C. Baltazar, both citizens of the Philip-

pines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 10th day of October, 1951, at 8:00 a.m. and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *Republic*, a newspaper of general circulation in the province/City of Cebu where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Florentino Saguin, Judge of the Court of First Instance of Cebu, this 19th day of December in the year nineteen hundred and fifty.

Attest:
[12, 1, 2]

EUGENIO RODIL
Clerk of Court

Republic of the Philippines
In the Court of First Instance of La Union
Second Judicial District

ADMINISTRATIVE CASE No. 106-R.—Petition for the reconstitution of Original Certificate of Title No. _____ of lot No. 1485 issued in the name of SILVESTRE BERMILLO (deceased). FELIPE MARQUEZ, petitioner.

NOTICE OF HEARING

To Ramon Lachica (deceased) now Felipe Lachica, Maria Lachica, Fidel Valdez, Julian Oliveros (deceased) now Vicente Oliveros, all from Rosario, La Union, Provincial Government, San Fernando, La Union, and Felipe Marquez, petitioner, Rosario, La Union.

Whereas, a petition has been filed with this Court under the provisions of the Republic Act 26, by Felipe Marquez, Rosario, La Union, for the reconstitution of the original certificate of title No. _____ under the name of the owner Silvestre Bermillo, alleging to have lost the owner duplicate, while the original which was kept in the office of the register of deeds of La Union, was lost or destroyed due to operation of the last war. Said parcel of land is situated in the barrio of Tanglag, municipality of Rosario, La Union, and more particularly described and bounded as follows:

A parcel of land (lot 1485 of the cadastral survey of Rosario, G.L.R.O. cadastral record No. _____, situated in the barrio of Tanglag, municipality of Rosario, Province of La Union. Bounded on the E., by lots 1487 and 1486 of Rosario cadastre; on the S., by lot 1477 of Rosario cadastre; on the SW., by lot 1482 of Rosario cadastre; and on the NW., by lot 1490 of Rosario cadastre, containing an area of 12,398 square meters, more or less.

Wherefore, you are hereby given notice that said petition has been set for hearing on June

session hall of the Court of First Instance, San Fernando, La Union, at which time, date and place, you should appear and file claims or objections, if you have any, to the petition.

Witness the on. Jose C. Zulueta, judge of the said court, this December 5, 1950.

[12, 1, 2]

MIGUEL RILLORAZA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Laguna
Eighth Judicial District

CASE No. 31.—*In the matter of the petition of CONCHITA TAN Y PAHATI to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila, and Conchita Tan, City of San Pablo, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Act No. 535, has been presented in this Court of First Instance of Laguna by Conchita Tan, who alleges that she was born in the City of San Pablo on May 10, 1922; that she is a resident of the City of San Pablo since her birth; that she is a fourth year medical student in the University of Sto. Tomas, Manila; that her Chinese father, Tan Sing, had been a resident of the Philippines for more than 30 years prior to his death on February 24, 1945 in the City of San Pablo; that her mother, Ines Pahati, a native of Malolos, Bulacan and now residing in the City of San Pablo, still lives and owns properties situated in said City and in Malolos, Bulacan, worth P50,000 more or less; that she is single and the only heir of her mother and deceased father; that she is able to speak and write English, Tagalog and a little of Spanish; that she does not speak and write Chinese; and cites Messrs. Alfredo Borja and Sabas Cabrera, both of legal age, Filipinos and residents of the City of San Pablo, as the witnesses whom she proposes to introduce at the hearing in support of her petition;

Therefore, you are hereby given notice that the said petition will be heard by this Court on the 6th day of August, 1951, at 8:30 a.m. in the session hall of this Court in the City of San Pablo, Philippines.

Let this notice be published at the expense of the petitioner, once a month for three consecutive months, in the *Official Gazette* and, once a week for three consecutive weeks, in the *Star Reporter*, a newspaper edited in the City of Manila and of general circulation in the Province of Laguna and the City of San Pablo, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the

Witness the Hon. Nicasio Yatco, judge of the Court of First Instance of Laguna, 1st Branch, this 5th day of January, 1950, at Santa Cruz, Laguna.

CECILIO M. BITUIN
Clerk of Court

[1-3]

Republic of the Philippines
In the Court of First Instance of Camarines Norte
Ninth Judicial District

NATURALIZATION CASE NO. 9.—*In the matter of the petition of YU HOA, alias JOSE YU to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Mr. Yu Hoa, alias Jose Yu, Daet, Camarines Norte; the Provincial Fiscal, Daet, Camarines Norte; and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended, has been presented in this Court of First Instance of Camarines Norte by Yu Hoa, alias Jose Yu who alleges that his present place of residence is Lukban Street, Daet, Camarines Norte, and his former residence were Amoy, China and No. 55 Rosario Street, Manila, Philippines; that his occupation is a businessman and owner of the Elegante Novelty Store, with an operating capital of P12,000 and from which he derives an average gross income of P8,000 yearly; that he was born in Amoy, China on the 3rd day of February, 1889, being at present a citizen of China and under whose laws Filipinos may become naturalized citizens or subject's thereof; that he was married twice in the Philippines, both Filipinos. The first marriage was solemnized in the City of Manila, with Adela Canoy, a Filipino, now deceased, with whom he had four children, namely: Clariza Yu, married 33 years old, born in Manila on May 6, 1918, baptized in Tondo Catholic Church, Manila, her occupation is housewife, was enrolled in Gregorio del Pilar Elementary School and pursued the seventh grade course; Lilia Yu, married, 31 years old, born in Manila on July 12, 1920, baptized in Tondo Catholic Church, Manila, her occupation is housewife, enrolled in Arellano High School and pursued the fourth year course; Jose Yu, Jr., single, 29 years old, born in Manila on March 19, 1922, baptized in Tondo Catholic Church, Manila, an employee, enrolled in Feati Institute of Technology and pursued the aeronautical engineering course; Antonio Yu, married, 28 years old, born in Manila on April 7, 1923, baptized in Tondo Catholic Church, Manila, an employee, enrolled in Arellano High School and pursued fourth year course.

That his second marriage, with Julia Ong, a Filipino, was solemnized before the Justice of the Peace of Indan, now Vinzons, Camarines Norte, on June 20, 1928 and with whom he has the

following children: Carlos Yu, single, 21 years old, born in Manila on August 26, 1929, baptized in Binondo Catholic Church, Manila, student, enrolled in University of the East and pursued the course of commerce and law; Cezar Yu, single, 20 years old, born in Manila on December 24, 1930, baptized in Binondo Catholic Church, Manila, student, enrolled in the Camarines Norte High School and pursued the course of third year; Eliza Yu, single, 14 years old, born in Manila on July 17, 1936, baptized in catholic church of Daet, Camarines Norte, student, enrolled in Camarines Norte High School and pursued first year course; Aida Yu, single, 12 years old, born in Manila on May 29, 1938, baptized in Binondo Catholic Church, Manila, enrolled in Daet Central Elementary School and pursued the sixth grade course; Nestor Yu, 10 years old, born in Manila on February 21, 1940, baptized in catholic church of Daet, Camarines Norte, enrolled in Daet Central Elementary School and pursued the fifth grade course; Norma Yu, 8 years old, born in Daet, Camarines Norte on February 28, 1942, baptized in catholic church of Daet, Camarines Norte, enrolled in Daet Central Elementary School and pursued the third grade course; William Yu, 6 years old, born in Daet, Camarines Norte on February 14, 1944, baptized in catholic church of Daet, Camarines Norte, enrolled in Daet Central Elementary School and pursued the first grade course; Nacy Yu, 3 years old, born in Daet, Camarines Norte and baptized in catholic church of Daet, Camarines Norte; Telma Yu, 1 year old, born in Daet, Camarines Norte and baptized in catholic church of Daet, Camarines Norte; that his present wife, Julia Ong, was born in Daet, Camarines Norte on November 17, 1910 and attended the Government Republic School of Indan, now Vinzons, Camarines Norte; that his son Carlos Yu is now a Filipino citizen, as he has filed on the 26th day of May, 1950 a paper to the local Civil Registrar Office, at Daet, Camarines Norte; to the effect that he has expressed his desire to be a Filipino citizen, in accordance with Commonwealth Act No. 625; that he emigrated to the Philippines from Amoy, China, on the steamer *SS Ang King* and arrived at the port of Manila on October 10, 1905, being then 16 years old; that from October 10, 1905 up to the date of the institution of his petition he has resided continuously in the Philippines for a period of 45 years in Daet, Camarines Norte, for a period of 23 years immediately preceding the date of his petition, to wit, since the month of October, 1927; that during all of the period above mentioned, he had visited China three times and during this absence, he had been away from the Philippines not more than 9 months; that he can speak and write Spanish and Tagalog and a little of Bicol and English; that he believes in the principles underlying the Philippine Constitution, has conducted himself in a proper and irreproachable manner during the entire period of

well as the community in which he is living, that he has all the qualifications under section 2 and none of the disqualifications under section 4 of the Commonwealth Act No. 473; that he is not opposed to organized government or affiliated with any association or group of persons who upholds and teaches doctrines opposing all organized government; that he is not defending or teaching the necessity or propriety of violence, personal attack, or assassination for the success and preponderance of men's idea; that he is not a polygamist nor a believer in the practice of polygamy; that he has not been convicted of any crime involving moral turpitude; that he is not suffering from any incurable contagious disease; that the nation from which he is a citizen or subject is not at war with the Philippines; that it is his interest in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign power, potentate, state, or sovereignty and particularly to China, to which at this time he is a citizen or subject; that he will reside continuously in the Philippines from the date of his petition up to the time of his admission to Philippine citizenship; that Dr. Cornelio Z. David, of legal age and Dr. Jose Nery, of legal age, both are Filipino citizens and residents of Daet, Camarines Norte, will appear and testify as his witnesses at the hearing of this petition.

Therefore, you are hereby given notice that said petition will be heard before this Court at Daet, Camarines Norte, on the 17th day of October, 1951, at 8:30 a.m.

Let this notice of petition be published, at the expense of the petitioner, once a month for three consecutive months in the *Official Gazette*, and once a week for three consecutive weeks in the *Bicol Examiner*, a newspaper edited in the City of Naga, Camarines Sur and of general circulation in the Province of Camarines Norte, and let copies of this notice be posted for the same period in the municipal building of Daet, Camarines Norte and in the bulletin board of this Court.

Witness the Hon. Maximo Abano, judge of this court, this 12th day of January, 1951.

EMMANUEL SIGUENZA
Clerk of Court

[1-3]

Republic of the Philippines
In the Court of First Instance of Samar
Thirteenth Judicial District
Branch III

NATURALIZATION CASE NO. 4.—*In the matter of the petition for Filipino citizenship. PUA CHIN SING alias CHOA CHIN SING alias SEQUITO, petitioner.*

NOTICE OF HEARING

To the Honorable the Solicitor General, Manila, Pua Chin Sing, alias Choa Chin Sing, alias Sequito, ~~Isabela Samar~~ and to all whom it may concern:

Whereas, a petition for naturalization pursuant to Commonwealth Act No. 473, as amended, has been presented to this Court of First Instance of Samar, Branch III, by Pua Chin Sing, alias Choa Chin Sing, alias Sequito, who alleges that he was born in Amoy, China, in the year 1890; that he emigrated to the Philippines and arrived at Manila on February 25, 1904; that he resided in the municipality of Laoang, Province of Samar for more than 30 years continuously preceding the date of the filing of his petition; that his present place of residence is municipality of Laoang, Province of Samar; that he is married to Juana Dula of Laoang, Samar, with whom he begot eight children; that he has enrolled all his children in public schools where some of them have graduated in the high school; that he is able to speak English and Leyte-Samar dialect; that his profession is merchant and owner of real property worth five thousand pesos; that he believes in the principles underlying the Philippine Constitution and has conducted himself in a proper and irreproachable manner during the period of his residence in the Philippines; that he has mingled with the Filipinos and have evinced a sincere desire to learn and embrace the customs, tradition and ideas of the Filipinos; that he will reside continuously in the Philippines from the date of the filing of his petition up to the date of his admission as a Filipino citizen; citing Messrs. Eleuterio J. Dulay, municipal mayor of Laoang, Samar, and Jacinto A. Tan of the same municipality, as his witnesses whom he proposes to introduce in support of his petition;

Therefore, you are hereby given notice that the said petition will be heard before this Court at its session to be held in Laoang, Samar, on the 22nd day of September, 1951, at 8 o'clock in the morning.

Let this notice be published in the *Official Gazette*, at the expense of the petitioner, for three consecutive issues and in the *Nueva Era* a newspaper of general circulation in the Province of Samar for three consecutive weeks. Let another copy be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. S. C. Moscoso, Judge of the 13th Judicial District, Branch III, at Laoang, Samar, this 9th day of January, 1951.

[1-3]

SOTERO SABARRE
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Isabela
First Judicial District

CASE NO. 7.—*Petition of CANDIDO SY to be admitted as a citizen of the Philippines*

NOTICE OF HEARING

To the Honorable the Solicitor General, Manila; the Provincial Fiscal of Isabela, ~~Isabela Samar~~ and to all whom it may concern:

Mr. Candido Sy, Cabagan, Isabela; and to all whom it may concern:

Whereas, a petition for Philippine citizenship, pursuant to Commonwealth Act No. 473, as amended, has been filed with this Court by Candido Sy, who alleges that he was born in October, 1924, in the municipality of Cabagan, Province of Isabela, where he has been residing continuously without interruption for a period of 26 years; that he is a Chinese citizen, his father having been a citizen of China; that he is 26 years of age, single, and a civil engineer by profession, having been educated in a private school recognized by the Philippine Government; that he possesses the qualifications required by Commonwealth Act No. 473, as amended, and has conducted himself in a proper and irreproachable manner in his relations with the constituted government as well as with the community where he lives; that he is a person of good moral character and a believer in the principles underlying the Philippine Constitution, not having done any act prejudicial to the interest of the nation or contrary to any government announced policies; that he is able to speak and write English, the local dialect and Tagalog language; that he is not disqualified for naturalization under said law; and that if he is admitted to become a Filipino citizen, he will renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly China of which he is at present a citizen and subject. He cites Mayor Alfonso B. Binag, of Cabagan, Isabela, and Mayor Buenaventura Masigan, of Sta. Maria, Isabela, as witnesses whom he proposes to introduce in support of his petition.

Notice is hereby given that said petition will be heard before this Court, at Ilagan, Isabela, on the 10th day of October, 1951, at 8 o'clock in the morning.

This notice shall be published at the expense of the petitioner, once a month for three consecutive months, in the *Official Gazette*, and once a week for three consecutive weeks in *Voz de Manila*, a newspaper edited in the City of Manila, and of general circulation in this province, and let copies of this notice and of the petition be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Manuel Arranz, Judge of the Court of First Instance of Isabela, this 26th day of December, 1950.

EUSTACE T. SOLDÀ
Clerk of Court

[1-3]

Republic of the Philippines

In the Court of First Instance of Nueva Ecija

CASE NO. 10.—*In re: Petition for Philippine citizenship by LIM BIO*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Mr. Lim

Beltran & Ongsiapco, R-514 Jalandoni Bldg. Manila, attorneys for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, and Republic Act No. 590, has been presented to this Court of First Instance of Nueva Ecija by Lim Bio who alleges that he was born in Amoy, China, on October 10, 1908 or that he emigrated to the Philippines from Amoy, China, in 1916; and arrived at the port of Manila, Philippines; that he is a resident of San Jose, Nueva Ecija; that his trade or profession is that of merchant in which he has been engaged since 1928; that he is married; that his wife's name is Leonora Cruz, who was born in San Jose, Nueva Ecija, and now resides at San Jose, Nueva Ecija; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows: 1. Vegalita Lim, born September 30, 1934; 2. Lourdes Lim, born April 25, 1935; 3. Renato Lim, born July 14, 1937; 4. Monica Lim, born April 26, 1939; 5. Valentina Lim, born July 25, 1940; 6. Isabela Lim, born February 4, 1943; 7. Javier Lim, born December 3, 1945; 8. Dante Lim, born July 13, 1948; and 9. Constancio Lim, born August 12, 1949, all at San Jose, Nueva Ecija, and are all residing at San Jose, Nueva Ecija; that he is able to speak and write English and Tagalog; that he is the owner of real estate, situated in San Jose, Nueva Ecija worth ₱10,000; that he has enrolled his children of school age in the following schools: Saint Joseph's College, San Jose, Nueva Ecija; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty (30) years from the filing of the declaration of intention) for the following reasons: That he has lived continuously in the Philippines for more than 30 years, since the year 1916; citing Messrs. Felicísimo Paulina and Severino Bautista, both of San Jose, Nueva Ecija, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 30th day of August, A. D., 1951, at 8:00 a.m. and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *Manila Chronicle*, a newspaper of general circulation in the Province of Nueva Ecija where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Mariano C. Melandres, Judge of the Court of First Instance of Nueva Ecija, this 12th day of January in the year nineteen hundred and fifty-one.

Attest:

B. GUZMAN

Republic of the Philippines
 In the Court of First Instance of Camarines Norte
 Ninth Judicial District

NATURALIZATION CASE NO. 10.—*In the matter of the petition of Cu Tee alias QUIENG TIAS to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Mr. Cu Tee alias Quieng Tias, Daet, Camarines Norte, the Provincial Fiscal, Daet, Camarines Norte and to all whom it may concern:

Whereas, a petition for Philippine citizenship, pursuant to Commonwealth Act No. 473, as amended, has been presented in this Court of First Instance of Camarines Norte by Cu Tee alias Quieng Tias who alleges that his actual and present place of residence is David Street, municipality of Daet, and his former residence was Amoy, China; that his occupation is that of a bookkeeper and businessman, from which he derives a gross income of P9,600 yearly; that he was born in Amoy, China on the 8th day of November, 1904, being at present a citizen of China and under whose laws Filipinos may become naturalized citizens or subjects thereof; that he is married to a Filipina named Lourdes Quieng and with whom he has five children, namely: Ruben Tias, 10 years of age, born in Daet, Camarines Norte, on July 28, 1939, baptized at the Catholic Church of Daet, Camarines Norte, and a student in the Daet Parochial Elementary School; Nelia Tias, 8 years old, born in Daet, Camarines Norte on October 17, 1941, baptized at the Catholic Church of Daet, Camarines Norte and a student in the Daet Parochial Elementary School; Amelia Tias, 6 years old, born in Daet, Camarines Norte, on December 15, 1943 and baptized in Daet Catholic Church; Clarisa Tias, 3 years old, born in Daet, Camarines Norte on May 14, 1946 and baptized at Daet Catholic Church and Oscar Tias, one year old, born in Daet, Camarines Norte and baptized at Daet Catholic Church; that his wife Lourdes Quieng has with her first marriage, she being the widow of the late Henry Tan, a daughter by the name Aurora Tan, single, 20 years old, born in Daet, Camarines Norte on January 26, 1930, baptized at Daet Catholic Church, student in the third year school of nursing, University of Sto. Tomas; that he emigrated to the Philippines from Amoy, China and arrived at the Port of Manila on July 2, 1918, his age then was 13 years; that from July 2, 1918 up to the date of the institution of this petition, he has resided continuously in the Philippines for a period of 32 years, immediately preceding this date of petition, and in Daet, Camarines Norte, for a period of more than 11 years immediately preceding the date of this petition, to wit, since the month of September, 1938, date of this petition, to wit, since the month of

September, 1938, date when he contracted marriage with Lourdes Quieng, before the justice of the peace of Daet, Camarines Norte; that he can speak and write Tagalog and Bicol; that he believes in the principles underlying the Philippine Constitution, has conducted himself in a proper and irreproachable manner during the entire period of his relations with the constituted government as well as with the community in which he is living, has all the qualifications required under section 2 and none of the disqualifications under section 4 of the Commonwealth Act No. 473; that he is not opposed to organized Government or affiliated with any association or group of persons who upholds and teaches doctrines opposing all organized government, he is not defending or teaching the necessity or propriety of violence, personal attack, or assassination for the success and preponderance of men's idea, he is not a polygamist nor a believer in the practice of polygamy, he has not been convicted of any crime involving moral turpitude, he is not suffering from any incurable contagious disease, and the nation from which he is a citizen or subject is not at war with the Philippines; that it is his interest in good faith to become a citizen of the Philippines and to renounce absolutely and forever, all allegiance and fidelity to any foreign power, potentate, state or sovereignty and particularly, to China, to which at this time he is a citizen or subject, he will reside continuously in the Philippines from the date of applying of his petition up to the time of his admission to Philippine citizenship; that Doctor Mateo D. Aquino, of legal age, residing at Daet, Camarines Norte, and Mr. Manuel Moreno, likewise of legal age, residing also in Daet, Camarines Norte, who are Filipino citizens, will appear and testify as his witnesses; that attached to the petition and made part of it is his landing certificate of residence No. 20989 issued by the Collector of Customs on July 2, 1918.

Wherefore, you are hereby given notice that said petition will be heard before this Court at Daet, Camarines Norte, on the 25th day of October, 1951, at 8:30 a.m.

Let this notice be published, at the expense of the petitioner, once a month for three consecutive months in the *Official Gazette*, and once a week for three consecutive weeks in the *Bicol Examiner*, a newspaper edited in the City of Naga, Camarines Sur and of general circulation in the Province of Camarines Norte, and let copies of this notice be posted for the same period in the municipal building of Daet, Camarines Norte and in the bulletin board of this Court.

Witness the Hon. Maximo Abano, judge of this court, this 18th day of January, 1951.

Republic of the Philippines
 In the Court of First Instance of Camarines Norte
 Ninth Judicial District

NATURALIZATION CASE NO. 11.—*In the matter of
 the petition of TAN KIN alias MARCOS PIMENTEL
 to be admitted citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila, Mr. Tan Kin alias Marcos Pimentel, Labo, Camarines Norte, the Provincial Fiscal, Daet, Camarines Norte and to all whom it may concern:

Whereas, a petition for Philippine citizenship, pursuant to Commonwealth Act No. 473, has been presented in this Court of First Instance of Camarines Norte by Tan Kin alias Marcos Pimentel who alleges that his actual and present place of residence is the town proper of the municipality of Labo, Camarines Norte, and his former residence was Amoy, China; that his occupation is a businessman, buying copra and abaca, the capital invested in said business is ₱40,000 and his gross yearly income is ₱15,000; that he is the owner of real properties worth ₱10,000 more or less; that he was born in Amoy, China on January 3, 1917, being at present citizen of China, under which laws Filipinos may become naturalized citizen or subjects thereof; that he is married and contracted same in the Philippines with Aniceta de Lara in the year 1933 with whom he has eight children, namely: Henry Pimentel, single, 18, years old, born on February 3, 1937 in Labo, Camarines Norte, baptized at Labo Catholic Church, a student in the first year of Mabini Junior College; Roberto Pimentel, single, 12 years old, born in Labo, Camarines Norte on February 4, 1938, baptized at the Catholic Church of Labo, and student in the Labo Elementary School; Elena Pimentel, 10 years old, born in Labo, Camarines Norte on August 12, 1940, baptized at the Labo Catholic Church and student in the Labo Primary School; Emilio Pimentel, 6 years old, born in Labo, Camarines Norte on April 12, 1944, baptized at the Labo Catholic Church and student in the Labo Primary School; Sofia Pimentel, 4 years old, born in Labo, Camarines Norte on January 1, 1947 and baptized at the Labo Catholic Church; Piamita Pimentel, born in Labo, Camarines Norte on March 31, 1948 and baptized at the Labo Catholic Church; Lamberto Pimentel one and half years old, born in Labo, Camarines Norte and baptized at the Labo Catholic Church; Nancy Pimentel, born in Labo, Camarines Norte on September 12, 1950 and baptized at the Labo Catholic Church; that his wife Aniceta de Lara was born in Labo, Camarines Norte on April 17, 1919 and graduate of Labo Elementary School; that he emigrated to the Philippines from Amoy, China on the steamer *Kim Hua* and arrived at the Port of Manila on the 26th of May, 1922 as shown by the attached landing certificate of residence,

an integral part of the petition, his age then was 8 years; that from May 26, 1922 up to the time of the institution of this petition, he has resided continuously in the Philippines, in the municipality of Labo, Camarines Norte, for a period of 28 years, more or less, immediately preceding the date of the herein petition; that in view of the above to comply with the law, he attached a carbon copy of his declaration of intention filed on August 2, 1949, consisting of 6 folios marked inclosure B; that he can speak and write Tagalog and a little of English, he having studied in Labo Elementary School for 3 years up to grade III, primary courses, he was baptized on May 26, 1926 at the Labo Catholic Church, his god-father was Baldomero M. Lapak; that he believes in the principles underlying the Philippine Constitution, he has conducted himself in a proper and irreproachable manner during the entire period of his relations with the constituted government as well as with the community in which he is living, he has all the qualifications required under section 2, none of the disqualifications under section 4 of the Commonwealth Act No. 473. That he is not opposed to organized Government or affiliated with any association or group of persons who upholds and teaches doctrines opposing all organized government; that he is not defending or teaching the necessity or propriety of violence, personal attack, or assassination for the success and preponderance of men's idea; that he is not a polygamist nor a believer in the practice of polygamy; that he has not been convicted of any crime involving moral turpitude, not suffering any incurable contagious disease and the nation from which he is a citizen or subject is not at war with the Philippines; that it is his interest in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign power, potentate, state, or sovereignty and particularly to China, to which at this time he is a citizen or subject; that he will reside continuously in the Philippines from the date of applying his petition up to the time of his admission to Philippine citizenship; Messrs. Victor de Jesus and Damian Español, both of legal age, Filipino citizens, residents of Labo, Camarines Norte, will appear and testify as his witnesses at the hearing of this petition.

Wherefore, you are hereby given notice that said petition will be heard before this court at Daet, Camarines Norte, on the 31st day of October, 1951, at 8:30 a.m.

Let this notice be published, at the expense of the petitioner, once a month for three consecutive months in the *Official Gazette*, and once a week for three consecutive weeks in the *Bicol Examiner*, a newspaper edited in the City of Naga, Camarines Sur and of general circulation in the Province of Camarines Norte, and let copies of this notice be posted for the same period in the municipal

building of Labo, Camarines Norte and in the bulletin board of this Court.

Witness the Hon. Maximo Abano, judge of this court, this 23rd day of January, 1951.

EMMANUEL SIGUENZA
Clerk of Court

[1-3]

Republic of the Philippines
In the Court of First Instance of Cotabato
Sixteenth Judicial District

NATURALIZATION CASE NO. 13.—*In the matter of the petition of MA PING, to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable, the Solicitor General, Manila; the Honorable, the Secretary of Interior, Manila; Mr. Ma Ping, Cotabato, Cotabato; and to all whom it may concern:

Whereas, a petition to be admitted as a citizen of the Philippines, pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court by Ma Ping who alleges that he was born on October 14, 1901, in the municipality and Province of Cotabato, Philippines; that he is merchant-businessman in which he had been engaged since the year 1921 and from which he derived an average annual income of P9,000; that he is married to Wong Lai Cum, who was born in Pinpau, Macao, Canton, China and now resides at General Corcuera Street, Cotabato, Cotabato, Philippines; that he has five children, all of whom are living with him at General Corcuera Street, Cotabato, Cotabato, Philippines, whose names, dates and places of birth follow: Ma Kol King *alias* Jose Ma, April 5, 1927, Cotabato, Cotabato; Ma Siao Mee *alias* Romualda Ma, October 20, 1928, Cotabato, Cotabato; Ma Wa King, October 26, 1930, Canton, China; Ma Ah King, *alias* Romeo Ma, November 15, 1935, Cotabato, Cotabato; and Ma Pak King *alias* Rogelio Ma, April 29, 1948, Cotabato, Cotabato; that he has resided continuously in the Philippines since the date of his birth except when he visited the country of his father's birth on three occasions, to wit: in 1924, 1926, and 1930, such visits never lasting for more than six months at a time; and he had resided in Cotabato, Cotabato for a term of one year at least immediately preceding the date of the petition, to wit: since the year 1931; that he is able to speak and write the English language, Chavacano and Maguindanao dialects, and he has a working knowledge of the Tagalog language; that he cites Mr. Irineo Cariño and Dr. Martin Ortoste, both of Cotabato, Cotabato, who are Filipino citizens, will appear and testify as his witnesses at the hearing of his petition.

Therefore, you are notified that the said petition is hereby set on November 3, 1951, at 8:30 a.m.,

in the session hall of this Court at Cotabato, Cotabato, at which date, time and place all persons interested therein should appear and show cause, if any they have, why the prayer thereof shall not be granted.

Let this notice be published, at the expense of the petitioner, for three consecutive times, in the *Official Gazette*, the last publication of which therein shall not be less than six months from the date of the hearing, and for a like number of times, in the *Ahora*, a newspaper edited in the City of Manila, and of general circulation in the Province of Cotabato, where the petitioner resides, and that a copy hereof is posted in the bulletin board of this Court.

Witness the Hon. Juan A. Sarenas, judge of this 16th Judicial District, this 10th day of January, 1951, at Cotabato, Cotabato.

JUANITO MAPALO
Clerk of Court

[1-3]

Republic of the Philippines
In the Court of First Instance of Marinduque
Eighth Judicial District

NATURALIZATION CASE NO. 9.—*In the matter of the petition of CHUA TEE alias KIYA to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; the Provincial Fiscal, Boac, Marinduque; Mr. Chua Tee *alias* Kiya, Boac, Marinduque and to all whom it may concern:

Whereas, a verified petition for Philippine citizenship pursuant to Commonwealth Act No. 743 as amended by Commonwealth Act No. 535, has been filed with this Court, by Chua Tee *alias* Kiya who alleges that he was born in Chatan, China, on the 3rd day of November, 1913; that he emigrated to the Philippines and arrived at Manila, on November 26, 1928, wherein he stayed a few months at 102 Elcano Street, Manila, and thereafter proceeded to Boac, Marinduque, Philippines, his present place of residence; that he is the Manager, Boac Branch of the Yu Chu and Company, copra dealer and engaged in the import and export business; that he is married to a Filipino woman by the name of Antonina Tan, with whom he is living at present and begotten out of their wedlock four children who are all living and that none of them are attending school due to their tender age; that since 1928 he has lived continuously in the municipality of Boac, Province of Marinduque, except for two times on a combined business and vacation trip to Chatan, China; that he is able to speak and write Tagalog as well as the English language; that he is entitled to the benefit of section 3, Commonwealth Act No. 743 as amended by Commonwealth Act No. 535 which reduces to five years the ten years of continuous residence required by paragraph two

of section 2 of said act being married to a Filipino woman; that he is not disqualified for naturalization under the naturalization law as amended, he having complied with the provisions of section 5 thereon, by filing his bona fide declaration of intention under oath to become a citizen of the Philippines with the Office of the Honorable Solicitor General, on the 28th day of January, 1950; citing Mr. Ramon H. Villamin and Honorable C. L. Nepomuceno, both residents of Boac, Marinduque, and well known in the community, as his witnesses whom he proposes to introduce in support of his petition.

Therefore, you are hereby given notice that this petition will be heard by this Court on September 14, 1951, at 8 o'clock in the morning, in the session hall of this Court at Boac, Marinduque; and

Let this notice be published in the *Official Gazette*, at the expense of the petitioner, for three consecutive issues and in the *Nueva Era* a newspaper of general circulation in this province for three consecutive weeks, the last publication of which therein shall not be less than six months from the date of the hearing. Let another copy be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Eusebio F. Ramos, Judge of the Court of First Instance of Marinduque, this 30th day of January, 1951, at Boac, Marinduque, Philippines.

JOSE M. MAGARARU
Clerk of Court

[1-8]

Republic of the Philippines

In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 31, G.L.R.O. Cadastral Record No. 444,
Lot No. 228, San Carlos cadastre

HEIRS OF SEVERO OYOD, petitioner

NOTICE

To Domingo Medina, Catalino Loreso and heirs of Maximiano Endrina, all in Ando-on, San Carlos, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Pio Garces as attorney-in-fact of the above-named petitioner, for the reconstitution of the original as well as the owner's duplicate of original certificate of title No. (N.A.), registered in the name of the conjugal partnership of the spouses, Severo Oyod and Bonifacia Mahinay by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lot No. 228 of San Carlos cadastre), situated in the municipality of San Carlos, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 228 of the cadastral survey of San Carlos), with the improvements thereon, situated in the municipality of San Carlos. Bounded from point "1" to "9" by lot No. 227; "9" to "13" by lot No. 234; "13" to "15" by lot No. 236; "15" to "25" by lot No. 237; "25" to "26" by lot No. 247; "26" to "27" by lot No. 250; "27" to "28" by lot No. 251; "28" to "29" by lot No. 252; "29" to "35" by lot No. 252; "35" to "38" by lot No. 260; "38" to "45" by lot No. 298; "45" to "48" by lot No. 276; "48" to "50", "60", "86" and "98" to "110" by the Andoon River; "50" to "55" and "64" to "69" by lot No. 232; "55" to "64" by lot No. 233; "86" to "94" by lot No. 230; "94" to "98" by lot No. 229; "110" to "117" by lot No. 219; "117" to "123" by lot No. 225; and "123" to "1" by lot No. 226 * * *; containing an area of 1,073,334 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 3, 1951, at 8:30 a.m., before the first branch of this Court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections, if you have any to the petition.

Witness the Hon. Francisco Arellano, judge of said court, this 21st day of December, 1950.

JOSE AZCONA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Zamboanga
Sixteenth Judicial District
Dipolog

Homestead Patent No. 55332, Certificate of Title No. 2766

MARIA CAPILI, petitioner

To Lucila T. Capili, Felipe Suminguit, Dalmacio Maglangit, and Rufino Avila, all these in Mapang, Marapong, Dapitan, Zamboanga, and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Maria Capili praying for the reconstitution of original certificate of title No. 2766 in the name of the herein petitioner Maria Capili by the register of deeds of the Province of Zamboanga, alleged to have been lost and/or destroyed during the last war, covering real property, situated at Mapang, Marapong, Dapitan, Province of Zamboanga, said land being more particularly described and bounded as follows: Northeast, Lucila T. Capili; southeast, Felipe Suminguit and Dalmacio Maglangit; southwest, Mapang River; and northwest, Rufino Avila. Containing an area of 238,054 square meters, more or less.

Therefore, you are hereby given notice that the petition has been set for hearing on May 26, 1951, at 8:30 o'clock in the morning, before this Court at the provincial capitol building of Dipolog, Zam-

boanga, on which date, time and place you should appear and file your claims or objection, if any you have, to the petition.

Witness the Hon. Patricio C. Ceniza, judge of said court, this 21st day of December, 1950.

V. S. CONCHA
Deputy Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Isabela
First Judicial District

Petition for the reconstitution of Original Certificate of Title No. I-7119 and the issuance of the corresponding owner's duplicate. DOMINGO LAMORENA, petitioner.

NOTICE OF HEARING

To Domingo Lamorena, resident of Ilagan, Isabela; and to all whom it may concern:

A duly verified petition having been filed with this Court by Domingo Lamorena praying for the reconstitution of original certificate of title No. I-7119 in his name covering two parcels of land situated in the municipality of Gamu, Isabela, alleging in his petition that the original as well as the duplicate of the aforesaid certificate of title were lost in the office of the register of deeds of Isabela as a result of the last war;

Therefore notice is hereby given that the petition is set for hearing on Saturday, April 7, 1951 at 8 o'clock in the morning in the session hall of this honorable court at Ilagan, Isabela, on which time, place and date any person having interest in the matter may appear and show cause, if any, why the petition should not be granted.

Let a copy of this notice be published in two consecutive issues of the *Official Gazette* for the months of February and March, 1951 at the expense of the petitioner.

Issued by the Hon. Manuel Arranz, judge of this court, this 8th day of January, 1951.

EUSTACE T. SOLDÀ
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Isabela
First Judicial District

Petition for the reconstitution of Original Certificate of Title No. I-4342 and the issuance of the corresponding owner's duplicate. JUAN CURUTAN, petitioner.

NOTICE OF HEARING

To Atty. Alfredo C. Mabbayad, counsel for the petitioner; Mr. Juan Curutan, both of Roxas, Isabela; and to all whom it may concern:

A duly verified petition having been filed with this Court by Juan Curutan, through counsel, pray-

of title No. I-4342 covering a parcel of land situated in barrio Camaal, Gamu (now Roxas), Isabela, alleging in his petition that the owner's duplicate was lost in the office of the Philippine National Bank, Isabela Agency, and that the original was also lost in the office of the register of deeds of Isabela as a result of the last war;

Therefore, notice is hereby given that the petition is set for hearing on Saturday, April 7, 1951 at 8 o'clock in the morning in the session hall of this honorable court at Iligan, Isabela, on which time, place and date any person having interest in the matter may appear and show cause, if any, why the petition should not be granted.

Let a copy of this notice be published in two consecutive issues of the *Official Gazette* for the months of February and March, 1951 at the expense of the petitioner.

Issued by the Hon. Manuel Arranz, judge of this court, this 8th day of January, 1951.

EUSTACE T. SOLDÀ
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Cadastral Case No. RT-31, G.L.R.O. Record No. 334, Re-Lot No. 12806

THE DIRECTOR OF LANDS, claimant, *versus* ZACARIAS C. RONQUILLO, petitioner

NOTICE

To Zacarias C. Ronquillo, 1145 Reina Regente Extension, Sta. Cruz, Manila; Teofilo Mediavillo, Rosario Mediavillo, Meliton Mediavillo, Alejandro Ludado, Francisco Velasco, Pedro Moralina, Cenon Monreal, Bruno Jacob and Fortunato Maraullo, all of Banag, Daraga, Legaspi City and to all whom it may concern:

Whereas, a petition has been filed in this Court under the provisions of Republic Act No. 26 by Zacarias C. Ronquillo, praying for the reconstitution of transfer certificate of title No. 18087 covering lot No. 12806 of the cadastral survey of Daraga, Albay, (now Legaspi City), on the ground that both the owner's duplicate copy in the possession of the herein petitioner and the original kept on file in this office of the register of deeds of Albay were burned and completely destroyed during the last war. Said lot is described as follows:

A parcel of land (lot No. 12806 (SWO-19604) of the cadastral survey of Albay, G.L.R.O. cadastral Record No. 367), situated in the barrio of Gapo, Daraga, Albay (now Legaspi City). Bounded on the N., by lot 12788 Albay cadastre; on the NE., by lot 12787, Albay cadastre; on the E., by creek; on the S. by lots by lots 13001 and 13007, Albay cadastre; on the W., by lots 13002, 13003, 13006 and 13007, Albay cadastre, and creek and on the NW., by creek; containing an area of 91.392 square meters

Now, therefore, you are hereby given notice that said petition will be heard on March 28, 1951, at 8:30 a.m., before this Court, at Legaspi City, Branch II, on which date, hour and place you must appear and file your opposition if you have any, to the said petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent to each of the owners of the lands adjoining to the land described above at the expense of the petitioner, and be posted in the main entrance of the provincial building and of the municipal building of Daraga, Legaspi City, at least 30 days before the date of hearing.

Witness the Hon. Angel H. Mojica, judge of this court, this 19th day of December, 1950, at Legaspi City.

JUSTINO BALDE
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Case No. R-173, G.L.R.O. Record No. 28988

THE DIRECTOR OF LANDS, claimant, *versus* JUAN STO.
TOMAS ET AL., petitioners

NOTICE

To Juan Sto. Tomas, Legaspi City; Rosario Sto. Tomas de Cadag, Donsol, Sorsogon; Heirs of Fulgencio Lladoc, Ligao, Albay, Mauricio Sapaula, Polangui, Albay; Gregorio Reverente, Cenon Ricauerta, Sinfooro Requejo, Gaspar Bibal and Mateo Raton, all of Oas, Albay; and to all whom it may concern:

Whereas, a petition has been filed in this Court under the provisions of Republic Act No. 26 by Juan Sto. Tomas and Rosario Sto. Tomas de Cadag, praying for the reconstitution of original certificate of title No. 17438 covering a parcel of land as shown on plan PSU-41071, G.L.R.O. record No. 28988, situated in the barrio of Sabang, Oas, Albay, in the name of the former owner, Gervasio Sto. Tomas, and after its reconstitution it be cancelled and in lieu thereof, a transfer certificate of title be issued in the name of the herein petitioners, for the reason that both the owner's duplicate of said original certificate of title and the original on file in the office of the register of deeds of Albay were lost, burned or destroyed as a consequence of the last war.

Said lot is described as follows—

A parcel of land (as shown on plan PSU-41071, G.L.R.O. record No. 28988, situated in the barrio of Sabang, Oas, Albay. Bounded on the NE; By Alomon Creek 5.00 meters wide and property of Gregorio Reverente; on the SE; by properties of Cenon Ricauerta, Sinfooro Requejo, Gaspar Bibal and Mateo Raton; on the SW; by properties of Sinfooro Requejo, Gregorio Reverente and Gaspar

Bibal; on the W; by properties of Mateo Raton and Fulgencio Lladoc; and on the NW; by properties of Fulgencio Lladoc and Mauricio Sapaula; containing an area of 164.829 square meters, more or less.

Now, therefore, you are hereby given notice that said petition will be heard on March 17, 1951, at 8:30 a.m., before this Court, branch II, at Legaspi City, on which date, hour and place you must appear and file your opposition if you have any, to the said petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent by registered mail to each of the owners of the land adjoining to the land described above at the expense of the petitioners and be posted in the main entrance of the provincial building and of the municipal building of Oas, Albay at least 30 days prior to the date of hearing.

Witness the Hon. Angel H. Mojica, judge of this court, this 21st day of October, 1950.

JUSTINO BALDE
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Cadastral Case No. R-176, G.L.R.O. Record No. 472,
Re-Lot No. 8166.

THE DIRECTOR OF LANDS, claimant, *versus* BASILIO
ARCANGEL, petitioner

NOTICE

To Basilio Arcangel, Ligao, Albay; Gregorio Calde, Filomeno Medina, Eugenio Medina, Paula Medina, Vicente Medina, Meliton Abad, Raymundo Adorio, Angeles Munda, Victorio Rovelo, Evaristo Pobier, Elpidio Aguilar, Pilar Magñanpo, Brigido Rovelo and Herminigildo Restoles, all of Jovellar, Albay; Salvador Nimo and Modesto Non, both of Camalig, Albay; Potenciano Ofrecio, Guinobatan, Albay; and to all whom it may concern:

Whereas, a petition has been filed in this Court under the provisions of Republic Act No. 26 by Basilio Arcangel, praying for the reconstitution of original certificate of title No. 10184 covering lot No. 8166 of the cadastral survey of Camalig, Albay, situated in the barrio of Taloto, municipality of Camalig, Albay in the name of Gerardo Arcangel, for the reason that both the owner's duplicate copy of said original certificate of title and the original kept in the office of the register of deeds of Albay were either lost or destroyed completely as a consequence of the last war. Said lot is described as follows:

A parcel of land (lot 8166 of the cadastral survey of Camalig, G.L.R.O. cadastral record No. 472), situated in the barrio Taloto, municipality of Camalig, Province of Albay. Bounded on the NE, by

lots 8167, 980, 979, and 8154 of Camalig cadastre; on the SE., by lots 8154 and 8151 of Camalig cadastre; on the SW., by lots 8149, 8161, 8164, and 8165 of Camalig cadastre; and on the NW., by lots 8172, 8163, 8164, 8165 and 8167 of Camalig cadastre; containing an area of 172,685 square meters, more or less.

Now, therefore, you are hereby given notice that said petition will be heard on March 28, 1951, at 9:00 a.m. before this Court, branch I, at Legaspi City, on which date, hour and place you must appear and file your opposition if you have any, to the said petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent to each of the owners of the lands adjoining to the land described above at the expense of the petitioner, and be posted in the main entrance of the provincial building and of the municipal building of Camalig, Albay, at least 30 days prior to the date of hearing.

Witness the Hon. Vicente A. Arguelles, judge of this court, this 4th day of September, 1950, at Legaspi City.

JUSTINO BALDE
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Nueva Vizcaya
First Judicial District

CASE No. 88.—Petition for the reconstitution of the original and owner's duplicate of Original Certificate of Title No. 214, Free Patent No. 3266. JOSE PEREZ, petitioner.

NOTICE

To the Chief, General Land Registration Office, Manila; Ramano Bulingay, Emiterio Labbat, Pedro Balauat, Pedro Caro, Nicolasa Nanayo, Flora Balacay, Pedro Villanueva, Heirs of Bernardo Quetong, all of Bambang, Nueva Vizcaya, Atty. Mariano B. Piedad, Bayombong, Nueva Vizcaya, and to whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26 by Jose Perez of Bambang, Nueva Vizcaya, for the reconstitution of the original and owner's duplicate of original certificate of title No. 214, free patent No. 3266 in the name of Bernardo Quetong, now deceased, covering a real property situated in the barrio of Balungao, Bambang, Nueva Vizcaya, alleged to have been lost in the office of the register of deeds and bounded on the NE. by property of Ramona Bulingay; on the east, by property of Emiterio Labbat; on the south, by properties of Pedro Balauat, and Pedro Caro; and on the west, by property of Nicolasa Nanayo and Ngadan Canal, with an area of one hectare, thirteen acres and five centares, more or less.

Therefore, you are hereby given notice that said

at 8 o'clock in the morning, before this Court, at Bayombong, Nueva Vizcaya, on which date, time and place you should appear and file your objections or claims, if you have any to said petition.

Witness the Hon. Jose R. de Venecia, judge of said Court, this 13th day of January, 1951, at Bayombong, Nueva Vizcaya.

MIGUEL M. GUEVARA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Nueva Vizcaya
First Judicial District

CASE No. 89.—Petition for the reconstitution of the original and owner's Duplicate of Certificate of Title, Free Patent No. 3057. LAURENCIA PACAY ET AL., petitioners.

NOTICE

To the Chief, General Land Registration Office, Manila; Gregoria Pascua, Hilario de la Cruz, Laureano Villanueva, Andres Rivera, Tomas Bolosan, all of Solano, Nueva Vizcaya, Atty. Mariano B. Piedad, Bayombong, Nueva Vizcaya, and to whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26 by Laurencia Pacay, Moises Galicia and Maria Galicia, all of Solano, Nueva Vizcaya, for the reconstitution of the original and owner's duplicate of certificate of title, free patent No. 3057 in the name of Juan Pacay or Juan Cacay, now deceased, covering a real property situated in the barrio of Ipung, Solano, Nueva Vizcaya, alleged to have been lost in the office of the register of deeds and bounded on the NE. by property of Gregorio Pascua; on the east, by property of Hilario de la Cruz; on the SE. by properties of Laureano Villanueva and Andres Rivera; and on the NW. by property of Tomas Bolosan, containing an area of two hectares, twenty-one acres and twenty-one centares, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on May 19, 1951, at 8 o'clock in the morning, before this Court, at Bayombong, Nueva Vizcaya, on which date, time and place, you should appear and file your objections or claims, if you have any to said petition.

Witness the Hon. Jose R. de Venecia, judge of said court, this 13th day of January, 1951, at Bayombong, Nueva Vizcaya.

MIGUEL GUEVARA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Rizal
Seventh Judicial District
Pasay City Branch

Reconstitution Case No. 18, G.L.R.O. Record No. 1368

In re: Petition for the reconstitution of Original of Transfer Certificate of Title No. 8423 and the

issuance of another owner's duplicate thereof.
ROSARIO G. VDA. DE BASA, petitioner.

NOTICE OF HEARING

This is a petition filed by Atty. G. P. Pascual, counsel for the petitioner, Rosario S. Vda. de Basa, praying for the reconstitution of the original of Transfer certificate of title No. 8423 covering a parcel of land, more particularly described as follows:

A parcel of land (as prescribed on plan S.W.O. 24630), situated in the barrio of San Roque, municipality of Pasay, Province of Rizal (now Pasay City); Bounded on the north, by lot 2833 (Pasay cadastre 4); on the east, by lot 2834 (Pasay cadastre 4); on the south, by Ganiban Street and on the west by lots 2832 and 2825 (Pasay cadastre 4), * * * containing an area of 3,335 square meters, more or less. * * *

It appearing that the petition is sufficient in form and in substance and that this is a proper case of reconstitution as provided for by Republic Act No. 26, the said petition is hereby set for hearing in Pasay City, on the 24th day of March, 1951, at 8:00 a.m., at which place, date and time aforesaid, all persons interested in the said property and who might have opposition to the said petition may appear and show cause, if any they have, why the said title should not be reconstituted.

A copy of this notice shall be published at the expense of the petitioner in the *Official Gazette*, twice in the successive issues thereof and let also copies of the same be posted at the main entrance of the City Hall of Pasay City.

Witness the Hon. Bienvenido A. Tan, judge of this court, this 5th day of December, 1950.

SEVERO ABELLERA
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Capiz
Eleventh Judicial District

Catastral Case No. 5, G.L.R.O. Cadastral Record No. 337,
Lots Nos. 876 and 923

THE DIRECTOR OF LANDS, petitioner, vs. RESURRECCION ABADESCO ET AL., claimants.

Catastral Case No. 9, G.L.R.O. Cadastral Record No. 383,
Lot No. 1131

THE DIRECTOR OF LANDS, petitioner, vs. SATURNINO ABAO ET AL., claimants

NOTICE

Mr. Felipe Chiyuto, joined by his wife Natalia Amoroso, petitioners and to all appearing to have an interest in the properties, the occupants of said properties, the adjoining owners and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Felipe Chiyuto for the reconstitution of the original certificate of title for each of the lot Nos. 876, 923 and 1131; that each of the foregoing lots were

issued in the name of the petitioner and his wife Natalia Amoroso; that the certificate of titles covering lots Nos. 876 and 923, Capiz cadastre were lost in their possession when their house was burned during the Japanese occupation; and that covering lot No. 1131, Dao cadastre was lost during the Japanese occupation in possession of the Philippine National Bank, Capiz Agency. That the original of said three titles in possession of the register of deeds for the Province of Capiz were also lost during the Japanese occupation as a result of the general destruction caused by the last war. That lots Nos. 876 and 923 Capiz cadastre are situated in the barrio of Banica, municipality of Capiz, Province of Capiz and are bounded as follows:

Lot No. 876.—Bounded on the N. by lot No. 875, Capiz cadastre claimed by Republic of the Philippines; on the E. by lot No. 894, Capiz cadastre of the Roman Catholic Church, Capiz, Capiz; on the S., by lot No. 880, Capiz cadastre of Cerilo Canata of Capiz, Capiz; and on the W., by lot No. 878, Capiz cadastre of Naval Amancio of Capiz, Capiz; and contains an area of 1,329 square meters, more or less.

Lot No. 923.—Bounded on the N. by lot Nos. 924 and 925 Capiz cadastre of Juan Andrada and Cerilo Anata respectively, both of Capiz, Capiz; on the E., by lot No. 924, Capiz cadastre of Juan Andrada, Capiz, Capiz; on the S. by lot No. 880, Capiz cadastre of Cerilo Anata of Capiz, Capiz; and on the W. by lot No. 878, Capiz cadastre, Capiz cadastre of Naval Amancio of Capiz, Capiz and containing an area of 4,993 square meters, more or less.

That lot No. 1131 Dao cadastre is situated in the barrios of Agtanguay and Daplas, municipality of Dao, Province of Capiz, and is bounded:

On the NE. by lot No. 1130, Dao cadastre belonging to your petitioner; on the S. and SE. by Malonoy Creek; on the SW. by Malonoy Creek and lot No. 133, Dao cadastre of Anselmo Aleligay, Dao, Capiz and on the NW. by lots Nos. 1133 and 1282 Dao cadastre of Anselmo Aleligay, and Nicolas Dianko respectively, both of Dao, Capiz, and contains an area of 204,834 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on May 28, 1951, at 8 a.m. at the session hall of this Court, in which date, time and place, you should appear and file your claims or objections, if any, to the petition.

Witness the Hon. Fernando Hernandez, judge of this court, this 15th day of January, 1951.

VICENTE IGNACIO

[1, 2]

Clerk of Court

Republic of the Philippines
In the Court of First Instance of Capiz
Eleventh Judicial District

Re: Petition for reconstitution of the Original Certificate of Title No. "NA" covering Lot No. 1516 of the cadastral survey of Capiz described

on plan SWO-26665. GREGORIO AGUILING, registered owner. HOMOBOMO A. AGUILING, petitioner.

NOTICE

Mr. Homobomo A. Aguiling, petitioner and to all appearing to have an interest in the properties, the occupants of said properties, the adjoining owners and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Mr. Homobomo A. Aguiling, petitioner, for the reconstitution of one lot No. 1516 covered by original certificate of title which was granted by virtue of decree No. 166864 issued on the 5th day of December, 1924; that the owner's duplicate copy of said title, as well as the original on file at the office of the register of deeds of Capiz, Capiz, were either lost or destroyed as a consequence of the last war, situated in the barrio of Mompong, municipality of Capiz, Capiz, described as follows:

Bounded on the N., NE., and E., by Mompong Creek; on the SE., and SW., by lot 938, Capiz cadastral and on the W., and NW., by Mompong Creek, containing an area of 126,865 square meters, more or less.

Therefore you are hereby given notice that said petition has been set for hearing on May 25, 1951, at 8 a.m. at the session hall of this Court, in which date, time and place, you should appear and file your claims or objections, if any, to the petition.

Witness the Hon. Fernando Hernandez, judge of this court, this 15th day of January, 1951.

VICENTE IGNACIO
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Capiz
Eleventh Judicial District

Re: Petition for reconstitution of the Original Certificate of Title No. "NA" covering lot No. 4034 of the Cadastral Survey of Capiz described on plan SWO-26664. GREGORIO AGUILING, registered owner. JOSE A. AGUILING, petitioner.

NOTICE

Mr. Jose A. Aguiling, petitioner and to all appearing to have an interest in the properties, the occupants of said properties, the adjoining owners and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Atty. Jose A. Aguiling, petitioner, for the reconstitution of one lot No. 4034 covered by original certificate of title which was granted by virtue of decree No. 218948 issued on the 8th day of June, 1926; that the owner's duplicate copy of said title, as well as the original on file at the office of the register of deeds of Capiz, Capiz, were either lost or destroyed as a consequence of the last war, situated in the barrio of Olutayan, municipality of Capiz,

Lot No. 4034, bounded on the NE., by lots 3850, 3654, 3653, and 3855, Capiz cadastral, on the E., by lot 3858, Capiz cadastral, Visayan Sea; and lots 3647, and 3646, Capiz cadastral, on the SE., by lots 3682, 3654, 3653, 3652, 4036, 4037, and 4035, Capiz cadastral, and Visayan Sea; on the S., by lots 3647, 3646, and 3649, Capiz cadastral, on the W., by Visayan Sea; and on the NW., by lots 3842, 3843, 3846, and 3682, Capiz cadastral, containing an area of 201,428 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on May 25, 1951, at 8 a.m. at the session hall of this Court, in which date, time and place, you should appear and file your claims or objections, if any, to the petition.

Witness the Hon. Fernando Hernandez, judge of this court, this 15th day of January, 1951.

VICENTE IGNACIO
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Capiz
Eleventh Judicial District

In re: Petition for reconstitution of Transfer Certificate of Title No. 1114, Lot No. 1028. ELEUTERIO SALMEO, SILVESTRA LAGON, joined by her husband Juan Las, petitioners.

NOTICE

Mr. Eleuterio Salmeo and Silvestra Lagon joined by her husband Juan Las, petitioners and to all appearing to have an interest in the properties, the occupants of said properties, the adjoining owners and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Atty. Federico G. Ortencio in representation of Mr. Eleuterio Salmeo and spouses Juan Las and Silvestra Lagon, petitioners for the reconstitution of transfer certificate of title No. 1114, Lot No. 1928 covered by original certificates of title No. 1507 was issued in his name by the register of deeds of Capiz, Capiz, to Ceferino Lagon who was the registered owner of the said lot. That during the last World War, the owner's duplicate certificate of title has been lost or destroyed in the office of the register of deeds of Capiz, Capiz, situated in the barrio of Guintas, municipality of Sigma, Province of Capiz, Philippines, covered by original certificate of title No. 1507; now covered by transfer certificate of title No. 1114 and bounded: On the NE., by Mambusao River; on the SE., by lot No. 1026—Jose Bediones; on the SW., by lot No. 1034—Francisco Villareal; and on the NW., by lot No. 1033—Jose Bediones: Containing an area of 29,873 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on May 18, 1951, at 8 a.m. at the session hall of this Court, in which date, time and place, you should appear and file

Witness the Hon. Fernando Hernandez, judge of this court, this 15th day of January, 1951.

VICENTE IGNACIO
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Cebu
Fourteenth Judicial District
Branch I

Cadastral Case No. 13, G.L.R.O. Record No. 9469, Lot No. 4594

THE DIRECTOR OF LANDS, petitioner, *versus*
ALEJANDRO ABABON ET AL., claimants

NOTICE

To Guilope Bacalso, Anecito Gabiana, Eleuterio Cabiles, all these in Pardo, Cebu City; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Simeona Gabiana, through Atty. Abundio A. Aldemita, praying for the reconstitution of the original certificate of title issued in the name of the spouses Esteban Abasolo and Simeona Gabiana, the herein petitioner, by the register of deeds of Cebu in accordance with the decree No. 98214, a certified copy of which is attached to the petition, alleged to have been lost or destroyed in the said office during the war, covering real property (known as lot No. 4594 of the cadastral survey of Cebu), situated in the City of Cebu, described and bounded as follows: NE. by lot No. 4623 by Guilope Bacalso; SE. by lots Nos. 4592 and 4593 by Anecito Gabiana; SW. by lots Nos. 4593 and 4597 by Eleuterio Cabiles; and NW. by lot No. 4595 by Eleuterio Cabiles. Containing an area of 597 square meters, more or less.

Therefore, you are hereby given notice that the petition has been set for hearing on March 17, 1951, at 8 o'clock in the morning, before the first branch of this Court at the provincial capitol building, Cebu City, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Juan L. Bocar, judge of said court, this 2nd day of January, 1951.

EUGENIO RODIL
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Cebu
Fourteenth Judicial District
Special Branch

G.L.R.O. Record No. 5988, Lots Nos. 1160 and 7, Block 3, Pcs-6

THE DIRECTOR OF LANDS, applicant
(Banilad Friar Lands Estate)

NOTICE

To Pedro Flores, Carcar, Cebu, Vicente Urgello, Cebu City, A. Morales, Fuente Osmena, Cebu

Maasium, Lahug, Cebu City; Narciso Sadaya, Gen. Maxilom St., Cebu City; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Cornelio Diores, through Atty. Ramon Duterto, praying for the reconstitution of the certificates of title issued in the name of Frueturso Ramos by the register of deeds of Cebu, alleged to have been lost during the last war in the said office of the register of deeds, covering real properties (known as lots Nos. 1160 and 7, block 3, Pcs-6, of the Banilad Friar Lands Estate), situated in the City of Cebu, described and bounded as follows:

Lot No. 1160.—N. by Pedro Flores; E. road lot; S., A. Morales; and W., Pedro Flores. Containing an area of 13,260 square meters, more or less.

Lot No. 7, Block 3 Pcs-6.—N. by Remigio Raburada; E. by Remigio Raburada; S. by Narciso Sadaya; and W. by Alfonso Catingan. Containing an area of 240 square meters, more or less.

The petition further prays for the issuance of new certificates of title, after the cancellation of the titles reconstituted, in the name of the petitioner on the ground of alleged conveyance.

Therefore, you are hereby given notice that the petition has been set for hearing on March 17, 1951, at 8 o'clock in the morning, before the special branch of this Court, at the provincial capitol building, Cebu City, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Ignacio Debuque, judge of said court, this 2nd day of January, 1951.

[1, 2]

EUGENIO RODIL
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Cebu
Fourteenth Judicial District
Special Branch

G.L.R.O. Record No. 5988, Lot No. 4, Block 77, Pcs-380

THE DIRECTOR OF LANDS, applicant
(Banilad Friar Lands Estate)

NOTICE

To City Engineer, Cebu City, Hon. Ruperto Kang Leon, Maasin, Leyte, Dr. Januario Estanislao, 296 Junquiera Ext., Cebu City; Congressman Filomeno Kintanar, Manila; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Crescencia S. Vda. de Catan, through Atty. Eriberto Seno, praying for the reconstitution of the transfer certificate of title issued in the name of Pelagio Catan (now deceased), married to Crescencia Solon, by the register of deeds of Cebu, alleged to have been lost or destroyed during the

covering real property (known as lot No. 4, block 11, Pcs-380 of the Banilad Friar Lands Estate), situated in the City of Cebu, described and bounded as follows: NE. by road lot (Junquera St.); SE. by lot No. 5, block 11, Pcs-380; SW: by lot No. 3, block 11, Pcs-380; and NW. by lot No. 1, block 11, Pcs-380; containing an area of 180 square meters, more or less.

Therefore, you are hereby given notice that the hearing of the petition has been set on March 24, 1951, at 8 o'clock in the morning, before the special branch of this Court at the provincial capitol building, Cebu City, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Ignacio Debuque, judge of said court, this 2nd day of January, 1951.

EUGENIO RODIL
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Cebu
Fourteenth Judicial District
Special Branch

G.L.R.O. Record No. 5988, Lot No. 408-JJ-1, Fls-2651-D

THE DIRECTOR OF LANDS, applicant
(Banilad Friar Lands Estate)

NOTICE

To Santiago Espina, Mariano Tura, Gregorio Rubi, Mrs. Andrea Pacyao, Nicomandez Espina, Int. Jakosalem St., Cebu City; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Jacinta Cinco, through Atty. Antonio Sarmiento, praying for the reconstitution of the certificate of title issued in the name of the spouses Jacinta Cinco and Buenaventura Caballes by the register of deeds of Cebu, alleged to have been lost during the last war in the said office of the register of deeds, covering lot No. 408-JJ-1 of the Banilad Friar Lands Estate, situated in the City of Cebu, shown on plan SWO-24998, bounded as follows: NE. by Santiago Espina; SE. by Mariano Tura; NW. by Gregorio Rubi and Mrs. Andrea Pacyao; and NW. by Nicomendez Espina. Containing an area of 93 square meters, more or less.

Therefore, you are hereby given notice that the petition has been set for hearing on March 17, 1951, at 8 o'clock in the morning, before the special branch of this Court at the provincial capitol building, Cebu City, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Ignacio Debuque, judge of said court, this 2nd day of January, 1951.

EUGENIO RODIL
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Cebu
Fourteenth Judicial District
Branch II

Case No. 255, G.L.R.O. Record No. 34504, Lots Nos. 5 and 9.

EDUARDO YUSON, applicant

NOTICE

To the Provincial Fiscal, Cebu City; the Municipal Mayor, Daanbantayan, Cebu, Filomeno Yray, Raimundo Wagas, Benigno Canales, Cosme Rosel, Adriano Mantos, Rufino Pepito, Lorenzo Kabahug, Gil Pepito, Felipe Pepito, Petra Pepito, Luis Rosas, Prudencio Congi, Melecio Arribado, Buenaventura Arransado, Bernabe Pitogo, Marciana Arrendonda, Filomeno Congi, Pablo Espinosa, Futuro Tahoy, Leon Docanes, Victoriano Arrendonda, Feliciano Arriesgado, Januario Canales, Valentin Pepito, Procopio Pitogo, Proceso Lahoylahoy, Vicente Salazar, Mariano Rosel, Heirs of Gregorio Pepito, Adriano Cañete, Felipe Tindag (or Tundag), Agapito Alanio, Francisco Monterde, Sisenando Diaz, Rafael Castro, all these in Daanbantayan, Cebu; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Agapita Yuson, Eustaquia Yuson, Fausta Yuson, Cirila Yuson, Alejandrina Diaz and Eduardo Diaz, through Atty. Filemon Sotto, praying for the reconstitution of the original certificate of title No. 17206 issued in the name of the spouses Eduardo Yuson and Alejandra Ponce by the register of deeds of Cebu, alleged to have been lost or destroyed in the said office of the register of deeds, covering real property (known as lots Nos. 5 and 9 of plan SWO-26412 (sheet 2) and plan SWO-60139 (sheet 3), situated in the barrio of Talisay and poblacion of Daanbantayan, respectively, of the municipality of Daanbantayan, Province of Cebu, the descriptions and boundaries of which are as follows:

Lot No. 5.—N. Filomeno Yray, Raimundo Wagas, Benigno Canales, Cosme Rosel and Adriano Mantos; E., Rufino Pepito and Lorenzo Kabahug; NE., Gil Pepito, Felipe Pepito and Petra Pepito; NW. Luis Rosas, Prudencio Congi, Melecio Arribado, Buenaventura Arransado, Bernabe Pitogo, Marciana Arrendonda, Prudencio Congi, Filomeno Congi, Pablo Espinosa and Luis Rosas, Futuro Tahoy, Leon Docanes and Victoriano Arrendonda; S., Bernabe Pitogo, Feliciano Arriesgado, Januario Canales and Valentin Pepito; SE., Procopio Pitogo and Proceso Lahoylahoy; SW., Vicente Salazar and Mariano Rosel; W. Heirs of Gregorio Pepito, Adriano Cañete, Luis Rosas, Felipe Tindag (or Tundag) and Agapito Alanino. Containing an area of 998,849 square meters, more or less.

Lot No. 9.—N. Osmeña Street; E. Callejon; S. Francisco Monterde; and W., Sisenando Diaz and Rafael Castro; containing an area of 421 square

Therefore, you are hereby given notice that the hearing of the petition has been set on March 24, 1951, at 8 o'clock in the morning, before the second branch of this Court at the provincial capitol building, Cebu City, on which date, time and place you should appear and file your claims of objections, if any you have, to the petition.

Witness the Hon. Edmundo S. Piccio, judge of said court, this 2nd day of January, 1951.

EUGENIO RODIL
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Cebu
Fourteenth Judicial District
Special Branch

Cadastral Case No. 1, G.L.R.O. Cadastral Record No. 58,
Lots Nos. 201, 202 & 868

Reconstitution of Transfer Certificates of Title
Nos. 21738, 23607 and 23606. THE DIRECTOR OF
LANDS, petitioner, vs. GREGORIO ABABA ET AL.,
claimants.

NOTICE

To Francisco Ventic, Calderon St. No. 24, Cebu City; the Municipal Government of Carcar, Adriano Cavan, Domingo Cavan, Lucio Cui, heir of Domingo Cui, Ignacio Alegrado, Francisco Alesna, heir of Carlos Alesna, Emilio Alo, heir of Romano Alo, Catalina Cui, daughter of the late Hilario Cui, Andrea Alesna, all of the municipality of Carcar, Cebu, and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Placido Bargayo, of Carcar, Cebu, for the reconstitution of transfer certificates of title Nos. 21738, 23607 and 23606, issued in the name of the spouses Francisco Ventic and Socorro Alo (2/9 of lot 202-T.C.T. 23607-in the name of Adriano Cavan and Domingo Cavan) by the register of deeds of this province, alleged to have been lost and destroyed in the Office of said register of deeds, covering lots Nos. 201, 202 and 868 of the cadastral survey of the municipality of Carcar, Cebu, the boundaries of which being as follows:

Lot No. 201.—North, by property of Domingo Cui (deceased); east, by property of Ignacio Alegrado; south, by property of Carlos Alesna (deceased); and west, by property of Romano Alo (deceased). Area: 339 square meters;

Lot No. 202.—North, by property of Hilario Cui (deceased); south, by property of the municipality of Carcar; east, by property of Catalina Cui; and west, by Santa Catalina Street. Area: 212 square meters;

Lot No. 868.—North, by property of Andrea Alesna; east, by property of Sebastian Alcoy (deceased); south, by Santa Catalina Street; and west, by Santa Catalina Street. Area: 153 square meters;

Therefore, you are hereby given notice that said petition has been set for hearing on May 12, 1951, at 8:30 a.m., before the special branch of this Court in the provincial capitol of Cebu, on which date, time and place you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Ignacio Debuque, judge of said court, this 10th day of January, 1951.

EUGENIO RODIL
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Cebu
Fourteenth Judicial District
Special Branch

Cadastral Case No. 4, G.L.R.O. Cadastral Record No. 61,
Lots Nos. 3342 & 3393

Reconstitution of corresponding Certificates of Title.
THE DIRECTOR OF LANDS, petitioner, vs. GREGORIO
ABELLANA ET AL., claimants.

NOTICE

To Mr. Arsenio Climaco, % Dr. Ildefonso Ybud, Conrado Regis, Domingo Macasero, Pedro Umbay, Emiliano Floreta and Eduvigis Floreta, all of Carcar, Cebu, and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Raymundo Emnace, through his attorney Mr. Faustino Barazon, of Carcar, Cebu, for the reconstitution of the corresponding certificates of title, issued in the name of Mariano, Raymunda, Saturnina, Blas, Eduarda, Carmen, Guillermo, Gregorio, Magdaleno, Eriberta, Mamerto, Alejandra, Tranquilina, Cornelio, Andres and Damiana, all surnamed Alcontin, by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering lots Nos. 3342 and 3393 of the cadastral survey of the municipality of Carcar, Cebu, the boundaries of which being as follows:

Lot No. 3342.—North, by property of Arsenio Climaco; east, by property of Arsenio Climaco; south, by property of Arsenio Climaco; and west, by property of Eduvigis Floreta;

Lot No. 3393.—NE. by property of Arsenio Climaco; SE. by property of Conrado Regis; SW. by property of Domingo Macasero; and NW. by properties of Pedro Umbay and Emiliano Floreta; the areas of which are respectively 39,615 and 5,636 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on May 5, 1951, at 8:30 a.m., before the special branch of this Court in the provincial capitol of Cebu, on which date, time and place you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Ignacio Debuque, judge of said court, this 16th day of January, 1951.

EUGENIO RODIL

Republic of the Philippines
 In the Court of First Instance of Nueva Vizcaya
 First Judicial District

CASE No. 90.—Petition for the issuance of the original and owner's duplicate of Certificate of Title No. 923, Free Patent No. 4401. ADORACION GUZMAN, petitioner.

NOTICE

To the Chief, General Land Registration Office, Manila; Domingo Guzman, Martin Furno, Agapito Manalo, Atty. Mariano B. Piedad, all of Bayombong, Nueva Vizcaya, and to whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26 by Adoracion Guzman of Bayombong, Nueva Vizcaya, for the reconstitution of the original and owner's duplicate of certificate of title No. 923, free patent No. 4401, in the name of Pedro Guzman, now deceased, covering a real property situated in Cutug, Bayombong, Nueva Vizcaya, alleged to have been lost in the office of the register of deeds and bounded on the SE. and SW. by public land; and on the NW. by properties of Martin Furno and Agapito Manalo, with an area of 1.5327 hectares, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on June 16, 1951, at 8 o'clock in the morning, before this court, at Bayombong, Nueva Vizcaya, on which date, time and place you should appear and file your objections or claims, if you have any to said petition.

Witness the Hon. Jose R. de Venecia, judge of said court, this 20th day of January, 1951, at Bayombong, Nueva Vizcaya.

MIGUEL M. GUEVARA
 Clerk of Court

Republic of the Philippines
 In the Court of First Instance of Nueva Vizcaya
 First Judicial District

CASE No. 92.—Petition for the reconstitution of the original and owner's duplicate of Transfer Certificate of Title No. 3408. DIEGO BARIUAN, petitioner.

NOTICE

To the Chief, General Land Registration Office, Manila; Vicente Dumelod, Felix Abbatay, Francisco Reyes, Dominga Rojas, all of Bagabag, Nueva Vizcaya, Atty. Mariano B. Piedad, Bayombong, Nueva Vizcaya, and to whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26 by Diego Bariuan of Bagabag, Nueva Vizcaya, for the reconstitution of the original and owner's duplicate of transfer certificate of title No. 3408 in the name of the spouses Pedro Inaldo and Consuelo Bariuan

Bagabag, Nueva Vizcaya, alleged to have been lost in the office of the register of deeds and bounded on the north, by lot No. 1048; on the east, by lot No. 1064; on the south, by lots Nos. 1051 and 1050; and on the west, by lots Nos. 991, 992 and 993, containing an area of 14,652 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on June 16, 1951, at 8 o'clock in the morning, before this Court, at Bayombong, Nueva Vizcaya, on which date, time and place you should appear and file your objections or claims, if you have any to said petition.

Witness the Hon. Jose R. de Venecia, judge of said court, this 20th day of January, 1951, at Bayombong, Nueva Vizcaya.

MIGUEL M. GUEVARA
 Clerk of Court

Republic of the Philippines
 In the Court of First Instance of Laguna
 Eighth Judicial District

Case G.L.R.O. Record No. 9933, Lots Nos. 3307-A, 3307-B, 3307-C, 3307-D, 3307-E, and 3307-F

Reconstitution of Transfer Certificate of Title No. (N. A.) PHILIPPINE SUGAR ESTATE DEVELOPMENT COMPANY, LTD., petitioner.

NOTICE

To the Register of Deeds, Santa Cruz, Laguna; Atty. Artemio Elepao, Eliodoro Bernardino, Timoteo Alcaraz, all in Calamba, Laguna; District Engineer, Santa Cruz, Laguna; and to all whom it may concern:

Whereas, a petition has been filed in this Court under the provisions of Republic Act No. 26, by counsel of the above-named petitioner, for the reconstitution of transfer certificate of title No. (N. A.) issued in the name of the petitioner herein; that owner's duplicate copy of said title which was kept in their office at Calle Anda and Muralla, Walled City, Manila, was alleged to have been burned when their said office was totally destroyed during the bombing by the Japanese air forces sometime on December 27 and 28, 1941 during the last war, as well as the original copy on file in the office of the register of deeds, covering six lots, more particularly described and bounded as follows:

A parcel of land (lot 3307-A of the subdivision plan Psd-18989 (Swo-20217, sheet 4) being a portion of lot 3307 of the cadastral survey of Calamba, G.L.R.O. cadastral record No. 8418), situated in the barrio of Real, municipality of Calamba, Province of Laguna. Bounded on the NE., by San Juan River and road; on the SE., by lot 3307-E of the subdivision plan and road; on the SW., by lot 4632-New, Calamba cadastre and San Juan River; and on the NW., by San Juan River. Containing an area of 211,933 square meters, more or less.

A parcel of land (lot 3307-B of the subdivision

tion of lot 3307 of the cadastral survey of Calamba, G.L.R.O. cadastral record No. 8418), situated in the barrio of Real, municipality of Calamba, Province of Laguna. Bounded on the NE., by lot 3307-C of the subdivision plan; on the SE., by lot 3307-F of the subdivision plan; on the SW., by lot 3307-D of the subdivision plan; and on the NW., by lot 3307-E of the subdivision plan. Containing an area of 10,000 square meters, more or less.

A parcel of land (lot 3307-C of the subdivision plan Psd-18989) Swo-20217 sheet 4) being a portion of lot 3307 of the cadastral survey of Calamba, G.L.R.O. cadastral record No. 8418), situated in the barrio of Real, municipality of Calamba, Province of Laguna. Bounded on the E. and SE. by road; on the SW., by lot 3307-B of the subdivision plan; on the W., by lot 3307-F of the subdivision plan; and on the NW., by lot 3307-E of the subdivision plan. Containing an area of 10,714 square meters more or less.

A parcel of land (lot 3307-D of the subdivision plan Psd-18989 (Swo-20217, sheet 4) being a portion of lot 3307 of the cadastral survey of Calamba, G.L.R.O. cadastral record No. 8418), situated in the barrio of Real, municipality of Calamba, Province of Laguna. Bounded on the NE., by lot 3307-B of the subdivision plan; on the SE., by lot 3307-F of the subdivision plan and road; and on the NW., by lot 3307-E of the subdivision plan. Containing an area of 28,760 square meters more or less.

A parcel of land (lot 3307-E of the subdivision plan Psd-18989 (Swo-20217, sheet 4) being a portion of lot 3,307 of the cadastral survey of Calamba, G.L.R.O. cadastral record No. 8418), situated in the barrio of Real, municipality of Calamba, Province of Laguna. Bounded on the NE., by road; on the SE., by lots 3307-C, 3307-B and 3307-D of the subdivision plan and road; and on the NW., by lot 3307-A of the subdivision plan. Containing an area of 13,944 square meters, more or less.

A parcel of land (lot 3307-F of the subdivision plan Psd-18989 (Swo-20217, sheet 4) being a portion of lot 3307 of the cadastral survey of Calamba, G.L.R.O. cadastral record No. 8418), situated in the barrio of Real, municipality of Calamba, Province of Laguna. Bounded on the E., by lot 3307-C of the subdivision plan; on the SE., by road; and on the NW., by lots 3307-D and 3307-B of the subdivision plan. Containing an area of 2,017 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on July 18, 1951 at 8:30 a.m. before the first branch of this Court in Santa Cruz, Laguna, on which date, time and place, you should appear to file your claims or objections, if any you have, to the petition.

Witness to Hon. Nicasio Yatco, judge of said court, this 6th day of January, 1951, at Santa Cruz, Laguna.

EUGENIO RODIL

Clerk of Court

Republic of the Philippines
In the Court of First Instance of Laguna
Eighth Judicial District

Case No. _____ G.L.R.O. Record No. 9933

In re: Petition for reconstitution of Transfer Certificate of Title No. 2645. PHILIPPINE SUGAR ESTATE DEVELOPMENT COMPANY, LTD., petitioner.

NOTICE

To the Register of Deeds, Santa Cruz, Laguna; Atty. Artemio Elepao, Vitorio Gelasin, Hipolito Manjares, Pedro Opulencia, Cristina Alihan, Alejandro Pasayan, Rosario Elazequi, Anacleta Q. de Arambulo, Potenciana A. Alcaraz Lorenzo Alcasid, Agaton Lanzador, Bernardo Carandang, Esteban Bandola, Eduardo Barreto, Felipe Reyes, Mercedes Cabrera, Josefa Banatin, Isidro Banatin, Alejandro Lavina, Remigio Carpio, Macaria H. de Virtucio, Aguedo Pagaspas and Ramon Recio, all in Calamba, Laguna: the Manila Railroad Company, Manila; the Canlubang Sugar Estate, the Municipal Mayor, Calamba, Laguna; the District Engineer, Santa Cruz, Laguna; and to all whom it may concern:

Whereas, a petition has been filed in this Court under the provisions of Republic Act No. 26, by counsel of the above-named petitioner, for the reconstitution of original certificate of title No. 2645 issued in the name of the herein petitioner; that owner's duplicate copy of said title which was kept in their office at Calle Anda and Muralla, Walled City, Manila, was alleged to have been burned when their said office was totally destroyed during the bombing by the Japanese air forces sometime on December 27 and 28, 1941 during the last war, as well as the original copy on file in the office of the Register of Deeds, covering thirteen parcels of land, more particularly described and bounded as follows:

1. A parcel of land (lot 2-B of the subdivision plan Swo-17117, being a portion of lot 2 described in the transfer of certificate of title No. 2645, G.L.R.O. record No. 9933), situated in the barrios of Bucal and Lecheria, municipality of Calamba, Province of Laguna. Bounded on the NE., by lot 2-C of plan Swo-17117; on the SE., by lot 1461; on the S., by lots 1464, 1465, 1466, and 1528; on the SW., by lots 1536, 1529, 1535, and 1520; and on the NW., by lots 1520, 3282, 314, 311 and 309. Containing an area of 1,237,277 square meters, more or less.

2. A parcel of land (lot 2-C of the subdivision plan Swo-17117, being a portion of lot 2 described in the transfer certificate of title No. 2645, G.L.R.O. record No. 9933), situated in the barrios of Bucal and Lecheria, municipality of Calamba, Province of Laguna. Bounded on the NE., by lot 2-A-3 of the subdivision plan Psd-22815; on the SE., by property of the Manila Railroad Company; on the SW., by lot 2-B of plan Swo-17117; and on the

NW., by lot 309. Containing an area of 56,482 square meters, more or less.

3. A parcel of land (lot 2-A-1 of the subdivision plan Psd-22815, being a portion of lot 2-A described on plan Swo-17117, G.L.R.O. record No. 9933), situated in the barrios of Bucal and Lecheria, municipality of Calamba, Province of Laguna. Bounded on the NE., by road; on the SW., by lot 2-A-2 of the subdivision plan (provincial road); and on the NW., by lots 3258, 991, 3033, 3042, 3040, and 3039. Containing an area of 264,221 square meters more or less.

4. A parcel of land (lot 2-A-2 of the subdivision plan Psd-22815, being a portion of lot 2-A described on plan Swo-17117, G.L.R.O. record No. 9933), situated in the barrios of Bucal and Lecheria, municipality of Calamba, Province of Laguna. Bounded on the NE., by lot 2-A-1 of the subdivision plan and road; on the SW., by lot 2-A-3 of the subdivision plan; and on the NW., by provincial road. Containing an area of 23,840 square meters, more or less.

5. A parcel of land (lot 2-A-3 of the subdivision plan Psd-22815, being a portion of lot 2-A described on plan Swo-17117, G.L.R.O. record No. 9933), situated in the barrios of Bucal and Lecheria, municipality of Calamba, Province of Laguna. Bounded on the NE., by lot 2-A-2 of the subdivision plan and road; on the SE., by lot 3281; on the SW., by lot 2-C of plan Swo-17117; and on the NW., by lot 3258. Containing an area of 373,210 square meters, more or less.

6. A parcel of land (lot 1 of the amendment plan II-7559-Amd.-2, sheet 1 and 2, G.L.R.O. record No. 9933) situated in the barrio of Majada, municipality of Calamba, Province of Laguna. Bounded on the N. and NE., by lot 3 of the amendment plan; on the SE., by lot 1559, creek and lots 2918, 1598, 1600, 1602, 1603, 1604, 1658, 1714, 1715, 1714, and 1712; on the SW., by lots 1711, 1900, 2775, and 1919; on the W., by lot 1710; and on the NW., by lots 1814, 1786, 1785, 1784, 1781, 1780, and 1777 and lot 3 of the amendment plan. Containing an area of 4,272,222 square meters, more or less.

7. A parcel of land (lot 2-E of the subdivision plan Psd-925, being a portion of lot 2 described on plan II-7559-Amd., G.L.R.O. record No. 9933), situated in the barrio of Majada, municipality of Calamba, Province of Laguna. Bounded on the N., by lots 3135 and 1776; on the NE., by lot 1775 and provincial road; on the SE., by lots 2-A and 2-B of plan psd-925 (The Manila Railroad Company); on the S., by lot 2-B of plan Psd-925 (The Manila Railroad Company); and on the NW., by lots 1777, 3135, 1776, and 1775, San Cristobal River, and lots 3124, 1736 and 3123. Containing an area of 193,633 square meters, more or less.

8. A parcel of land (lot 3 of the amendment plan II-7559-Amd.-2, sheet 2, G.L.R.O. record No. 9933, situated in the barrio of Majada, municipality of Calamba Province of Laguna. Bounded on the N.,

lots 2-D-4 and 2-D-5 of plan psd-18988; on the SE. by lots 1759 and 1559 and lot 1 of the amendment plan; on the S. and SW., by lot 1 of the amendment plan; and on the NW., by lot 1777 and lot 2-D-1 of plan Psd-18988. Containing an area of 38,444 square meters, more or less.

9. A parcel of land (lot 2-D-1 of the subdivision plan Psd-18988 (Swo-19680) being a portion of lot 2-D described on plan Psd-925, G.L.R.O. No. 9933), situated in the barrios of Mayapa and San Cristobal, municipality of Calamba, Province of Laguna. Bounded on the N., by lot 2-B of plan Psd-925, M.R.R. Co.); on the NE., by lot 2-D-4 of the subdivision plan; on the E., by lots 2-D-2, 2-D-3 and 2-D-4 of the subdivision plan; on the SE., by provincial road 15.00 meters wide and lot 2-D-4 of the subdivision plan; on the S., by provincial road 15.00 m. wide; and on the NW., by lot 1777 of Calamba estate and M.R.R. Co. (lots 2-B and 2-A, Psd-925). Containing an area of 760,714 square meters, more or less.

10. A parcel of land (lot 2-D-2 of the subdivision plan Psd-18988 (Swo-19680) being a portion of lot 2-D described on plan Psd-925 G.L.R.O. record No. 9933), situated in the barrio of Mayapa and San Cristobal, municipality of Calamba, Province of Laguna. Bounded on the E., by lot 2-D-5 of the subdivision plan; on the S., by lot 2-D-3 of the subdivision plan; on the W., by lot 2-D-1 of the subdivision plan; and on the NW., by lot 2-A of plan Psd-925 (M.R.R. Co.) Containing an area of 2,880 square meters, more or less.

11. A parcel of land (lot 2-D-3 of the subdivision plan Psd-18988 (Swo-19680) being a portion of lot 2-D described on plan Psd-925 G.L.R.O. record No. 9933), situated in the barrios of Mayapa and San Cristobal, municipality of Calamba, Province of Laguna. Bounded on the N., by lot 2-D-2 of the subdivision plan; on the E., by lot 2-D-5 of the subdivision plan; on the S., by lot 2-D-4 of the subdivision plan; and on the W., by lot 2-D-1 of the subdivision plan. Containing an area of 1,427 square meters, more or less.

12. A parcel of land (lot 2-D-4 of the subdivision plan Psd-18988 (Swo-19680) being a portion of lot 2-D described on plan Psd-925 G.L.R.O. record No. 9933), situated in the barrios of Mayapa and San Cristobal, municipality of Calamba, Province of Laguna. Bounded on the N., by lots 2-D-3 and 2-D-5 of the subdivision plan; on the NE. and E., by lot 2-D-5 of the subdivision plan; on the SE., by provincial road 15.00 meters wide; and on the S., SW., and W., by lot 2-D-1 of the subdivision plan. Containing an area of 5,212 square meters, more or less.

13. A parcel of land (lot 2-D-5 of the subdivision plan Psd-18988 (Swo-19680) being a portion of lot 2-D described on plan Psd-925, G.L.R.O. record No. 9933), situated in the barrios of Mayapa and San Cristobal, municipality of Calamba, Province of Laguna. Bounded on the N., by lot 2-D-5 of the subdivision plan; on the SE., by provincial road 15.00 meters wide; and on the S., SW., and W., by lot 2-D-1 of the subdivision plan. Containing an area of 5,212 square meters, more or less.

1759; on the SW., by provincial road and lot 2-D-4 of the subdivision plan; on the W., by lots 2-D-4, 2-D-3 and 2-D-2 of the subdivision plan; and on the NW. by lot 2-A of plan Psd-925 (M.R.R. Co.). Containing an area of 446,337 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on July 18, 1951 at 8:30 a.m., before the first branch of this Court in Santa Cruz, Laguna, on which date, time and place, you should appear to file your claims or objections, if any you have, to the petition.

Witness the Hon. Nicasio Yatco, judge of said court, this 6th day of January, 1951 at Santa Cruz, Laguna.

CECILIO M. BITUIN
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Laguna
Eighth Judicial District

Case G.L.R.O. Record No. 8374, Lot No. 1519, Biñan Estate.
Reconstitution of Transfer Certificate of Title No. (N.A.). NICOLAS CAPILI, registered owner and petitioner.

NOTICE

To the Register of Deeds, District Engineer, Santa Cruz, Laguna; Epifanio Tenido, Matea Alomia and Santos Felipe, all in Biñan, Laguna; and to all whom it may concern:

Whereas, a petition has been filed in this Court under the provisions of Republic Act No. 26 by the above-named petitioner, for the reconstitution of transfer certificate of title No. (N. A.) issued in the name of Saturnino Capili; that owner's duplicate copy of said title had been either lost or destroyed during the last war, as well as the original on file in the office of the register of deeds, covering a parcel of land, more particularly described and bounded as follows:

A parcel of land (lot No. 1519, Biñan Estate, G.L.R.O. record No. 8374, situated in the municipality of Biñan, Province of Laguna. Bounded on the NE. by the barrio road; on the SE. by lot No. 1520 (property of Epifanio Tenido); on the SW. by lot No. 1521 (property of Mrs. Mateo Olomia); and on the NW. by lot No. 1518 (property of Santos Felipe). Containing an area of 380 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on July 24, 1951 at 8:30 a.m., before the first branch of this Court in Santa Cruz, Laguna, on which date, time and place, you should appear to file your claims or objections, if any you have, to the petition.

Witness the Hon. Nicasio Yatco, judge of said court, this 6th day of January, 1951 at Santa Cruz, Laguna.

CECILIO M. BITUIN

Clerk of Court

Republic of the Philippines
In the Court of First Instance of Laguna
Eighth Judicial District

Cadastral Case No. 21, G.L.R.O. Record No. 739

Reconstitution of Original Certificate of Title No. 10142. PAULA SOBREVIÑAS, petitioner

NOTICE

To the Register of Deeds, Heirs of Domingo Ordoneza, Santa Cruz, Laguna; Pedro Pontiveros, Majayjay, Laguna; and the District Engineer, Santa Cruz, Laguna; and to all whom it may concern:

Whereas, a petition has been filed in this Court under the provisions of Republic Act No. 26, by the above-named petitioner, for the reconstitution of original certificate of title No. 10142 issued in the name of Anacleta Chaves; that owner's duplicate copy of said title had been either lost or destroyed during the last war, as well as the original on file in the office of the register of deeds of Laguna, covering a parcel of land, more particularly described and bounded as follows:

A parcel of land (lot 571 of the cadastral survey of Majayjay, G.L.R.O. cadastral record No. 739), situated in the barrio of Suba, municipality of Majayjay, Province of Laguna. Bounded on the NE., by Sapa Malake; on the SE., by lot 570, Majayjay cadastral; on the SW., by provincial road; and on the NW., by lot 574, Majayjay cadastral, containing an area of 4,100 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on July 18, 1951 at 8:30 a.m., before this Court in Santa Cruz, Laguna, on which date, time and place, you should appear to file your claims or objections, if any you have, to the petition.

Witness the Hon. Vicente Arguelles, judge of said court, this 18th day of January, 1951 at Santa Cruz, Laguna.

CECILIO M. BITUIN

[1, 2]

Clerk of Court

Republic of the Philippines
In the Court of First Instance of Capiz
Eleventh Judicial District

Cadastral Case No. 4, G.L.R.O. Cadastral Record No. 336, Lots Nos. 1098 and 1099, Capiz Cadastre

NOTICE

Guadalupe Uy, petitioner and to all appearing to have an interest in the properties, the occupants of said properties, the adjoining owners and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Atty. Vicente La. Ferrer, attorney for the petitioner for the reconstitution of two lots Nos. 1098 and 1099 covered by original certificate of title which

was granted by virtue of the decree No. 149899 issued on February 28, 1924, and decree No. 149900 which was issued on March 4, 1924 respectively: That on account of the last war, both owner's duplicate and the official record in the office of the register of deeds of Capiz for the aforesaid lots Nos. 1098 and 1099 were either lost or destroyed; That lot No. 1098 is situated in barrio Ilauad, municipality of Capiz, Province of Capiz having the following boundaries:

On the N. by lot No. 1097 of Aquilina Arcenas; on the E. by calle P. Zamora; on the S. by lot No. 1099 of Guadalupe Uy; on the W. by lot No. 1090 of Eleuterio Acuña, containing an area of 1,241 square meters, more or less.

That lot No. 1099 is situated in barrio Ilauad, municipality of Capiz, Province of Capiz, having the following boundaries: On the N. by lot No. 1098 of Guadalupe Uy; on the E. by calle P. Zamora; on the S. by lot No. 1100 of Catalina Ramos; and on the W. by lot No. 1090 of Eleuterio Acuña, containing an area of 523 square meters, more or less.

Therefore you are hereby given notice that said petition has been set for hearing on June 18, 1951, at 8:00 a.m. at the session hall of this Court, in which date, time and place, you should appear and file your claims or objections, if any, to the petition.

Witness the Hon. Fernando Hernandez, judge of this court, this 18th day of January, 1951.

VICENTE IGNACIO
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District
Cadastral Case No. 6, G.L.R.O. Cadastral Record No. 73,
Lot No. 788, Murcia Cadastre

RICARDO E. MIRANDA, petitioner

NOTICE

To Benjamin Jalandoni, Jaro, Iloilo City, Philippines, The District Land Officer, Bacolod, Negros Occidental and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Ricardo E. Miranda, through his counsel, Atty. Porfirio C. Casa, for the reconstitution of the original as well as the owner's duplicate of the original certificate of title No. (N.A.), registered in the name of Leonor Verdeprado by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lot No. 788 of Murcia cadastre, situated in the municipality of Murcia, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 788 of the cadastral survey of Murcia, G.L.R.O. cadastral Record No. —), situated in the barrio of Sta. Cruz, municipality of Murcia, Province of Occidental Negros, Island of Negros. Bounded on the N., by Caliban River; on the NE., by lot 789, Murcia cadastral; on the E. and SE., by Little Caliban River; on the SW., by Little Caliban River and lot 809, Murcia cadastral; and on the NW., by lots 720 and 690, Murcia cadastral * * *; containing an area of 216,943 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 12, 1951, at 8:00 a.m., before the fourth branch of this Court, in the provincial Capitol of this province, on which date, time and place you should appear and file your claims or objections, if you have any to the petition.

Witness the Hon. Lorenzo Garlitos, judge of said court, this 10th day of January, 1951.

JOSE AZCONA
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 14, G.L.R.O. Cadastral Record No. 117,
Lots Nos. 162 and 2024, Pontevedra cadastre

PETRA PACHECO, petitioner

NOTICE

To Cristina Escariosa, S. Jocsing, M. Villasis, J. Montilla, all of Pontevedra, Negros Occidental, and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Petra Pacheco of Pontevedra, Negros Occidental, for the reconstitution of the originals as well as the owner's duplicates of original certificates of title Nos. (N.A.), covering lots Nos. 162 of Pontevedra cadastre (in the name of Cristina Escariosa and the heirs of Pedro Sitchon) and 2024 of the same cadastre (in the name of the spouses, Pedro Pacheco and Martina Exceso), situated in the municipality of Pontevedra, Negros Occidental, registered by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, said lots being more particularly described and bounded as follows:

A parcel of land (lot No. 162 of the cadastral survey of Pontevedra), with all buildings and improvements, except those herein expressly noted as belonging to other persons, situated in the municipality of Pontevedra. Bounded on the NE. by lot No. 136; on the SE. by lot No. 2001; and on the SW. by lot No. 139 * * *; containing an area of 0 square meters.

A parcel of land (lot No. 2024 of the cadastral survey of Pontevedra), with all buildings and improvements, except those herein expressly noted as belonging to other persons, situated in the municipality of Pontevedra. Bounded on the NE. by lots Nos. 2020 and 1697; on the SE. by lot No. 1513; and on the SW. by lots Nos. 2022 and 2021 * * *; containing an area of 19,154 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on February 24, 1951, at 8:30 a.m. before the second branch of this Court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections, if you have any to the petition.

Witness the Hon. Jose Teodoro, Sr., judge of said court, this 21st day of December, 1950.

JOSE AZCONA
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District
Cadastral Case No. 24, G.L.R.O. Cadastral Record No. 196,
Lots Nos. 974 and 1015, Cadiz cadastre

MANUEL J. REGALADO, petitioner

NOTICE

To Federico Mahinay and wife, Cadiz, Negros Occidental, Ramona Regalado, Lacson St., Bacolod City, Dionisio Ignacio, Cadiz, Negros Occidental, Insular Lumber Co., Fabrica, Negros Occidental, and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Manuel J. Regalado, through counsel, for the reconstitution of the originals as well as the owner's duplicates of transfer certificates of title Nos. (N.A.), registered in the name of Manuel J. Regalado by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lots Nos. 974 and 1015 of Cadiz cadastre) situated in the municipality of Cadiz, Negros Occidental, said lots being more particularly described and bounded as follows:

A parcel of land (lot No. 974 of the cadastral survey of Cadiz), with the improvements thereon, situated in the municipality of Cadiz. Bounded on the NE. by lot No. 969; on the SE. by lots Nos. 975 and 1018; on the SW. by lot No. 1017; and on the NE. by lots Nos. 973, 971 and 970 * * *; containing an area of 112,498, square meters, more or less.

A parcel of land (lot No. 1015 of the cadastral survey of Cadiz), with the improvements thereon, situated in the municipality of Cadiz. Bounded on the NE. by lots Nos. 1016 and 1017; on the SE.

by property of the Insular Lumber Co., and lot No. 1013; on the SW. by the Talaban River; and on the W. and NW., by lot No. 940 * * *; containing an area of 372,691 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 3, 1951, at 8:30 a.m., before the second branch of this Court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections, if you have any to the petition.

Witness the Hon. Jose Teodoro, Sr., judge of said court, this 22nd day of December, 1950.

[1, 2]

JOSE AZCONA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District
Cadastral Case No. 30, G.L.R.O. Cadastral Record No. 303,
Lots Nos. 1790 and 1794, Escalante cadastre
IGLESIA MISSION EVANGELICA BAUTISTA, petitioner

NOTICE

To Inocencio Dumdum, Diosdado Baluarte, Petra Sanchez, Balbina Tangal and Paulino Tangal, all of Toboso, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Rufo C. Tuazon in behalf of the Iglesia "Mission Evangelica Bautista" of Escalante, Negros Occidental, for the reconstitution of the originals as well as the owner's duplicates of original certificates of title Nos. 25197 and 25152, registered in the name of the Iglesia "Mission Evangelica Bautista" by the register of deeds of this province, alleged to have been lost or destroyed in the Office of said register of deeds, covering real property (known as lots Nos. 1790 and 1794 of Escalante cadastre) situated in the municipality of Escalante, Negros Occidental, said lots being more particularly described and bounded as follows:

A parcel of land (lot No. 1790 of the cadastral survey of Escalante), with the improvements thereon, situated in the municipality of Escalante. Bounded on the NE. by lot No. 2767; on the SE. by the municipal road; on the SW. by lot No. k789; and on the NW. by lot No. 1787 * * * containing an area of 11,899 square meters, more or less.

A parcel of land (lot No. 1794 of the cadastral survey of Escalante), with the improvements thereon, situated in the municipality of Escalante. Bounded on the NE. and SE. by lot No. 1793; on the SW. by lot No. 1795; and on the NW. by the municipal road * * * containing an area of 7,878 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 10, 1951, at 8:30 a.m., before the first branch of this Court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections, if you have any to the petition.

Witness the Hon. Francisco Arellano, judge of said court, this 26th day of December, 1950.

JOSE AZCONA
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District
Cadastral Case No. 11, G.L.R.O. Cadastral Record No. 100,
Lots Nos. 531, 534 and 383, Isabela cadastre
Petition for reconstitution of Certificates of Title
under Republic Act No. 26. FRANCISCO M.
ESTEBAN, petitioner.

NOTICE

To Atty. Blas Gerona, Binalbagan, Negros Occidental, Mr. Generoso Gamboa, Isabela, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Francisco M. Esteban, through counsel, for the reconstitution of the originals as well as the owner's duplicates of transfer certificates of title Nos. 25857, 25856 and (N.A.), registered in the undivided interest of Concepcion Yulo ($\frac{1}{3}$ share), Alicia Yulo ($\frac{1}{3}$ share) and Herminia Yulo ($\frac{1}{3}$ share), by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lots Nos. 531, 534 and 383 respectively of Isabela cadastre), situated in the municipality of Isabela, Negros Occidental, said lots being more particularly described and bounded as follows:

A parcel of land (lot No. 531 of the cadastral survey of Isabela), with all buildings and improvements, except those herein expressly noted as belonging to other persons, situated in the municipality of Isabela. Bounded on the NE. and NW. by lot 534; on the SE. by lot No. 533; and on SW. by lots Nos. 1182 and 530 * * *; containing an area of 104,081 square meters, more or less.

A parcel of land (lot No. 534 of the cadastral survey of Isabela), with all buildings and improvements, except those herein expressly noted as belonging to other persons, situated in the municipality of Isabela. Bounded on the NE. by the Tinongan River; on the SE. by lots Nos. 535 and 1428; on the W. by lots Nos. 1428, 532, 1184, 531 and 529; and on the NW. by the Isabela-

Mampahubog road * * *; containing an area of 971,747 square meters, more or less.

A parcel of land (lot No. 383 of the cadastral survey of Isabela), with all buildings and improvements, except those herein expressly noted as belonging to other persons, situated in the municipality of Isabela. Bounded on the N. by lot No. 526; on the S. by lot No. 225 and municipal road; on the E. by Isabela-Mampahubog road; and on the W. by lots Nos. 382 and 384 * * *; containing an area of 984,940 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 13, 1951, at 8:30 a.m., before the fourth branch of this Court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections, if you have any to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, this 12th day of January, 1951.

JOSE AZCONA
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District
Cadastral Case No. 27, G.L.R.O. Cadastral Record No. 234,
Lot No. 920, Sagay cadastre

AGRIPINO JAVELLO, for himself and in behalf of his
CO-OWNERS, petitioner

NOTICE

To Eusebio Geroldo, Basilio Geroldo, Catalino Javello and Virginia Solario, all in barrio Rizal, Sagay, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Agripino Javello of Sagay, Negros Occidental, for the reconstitution of the original as well as the owner's duplicate of original certificate of title No. (N.A.), registered in the names of Agripino Javello, Arcadio Javello, Dorotea Javello, Filomena Javello, Leoncia Javello, Dominador Javello, Ulrico Javello and Librada Javello by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lot No. 920 of Sagay cadastre), situated in the municipality of Sagay, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 920 of the cadastral survey of Sagay), with the improvements thereon, situated in the barrio of Rizal, municipality of Sagay. Bounded on the N. by lot No. 921; on the E. by lot No. 922; on the SE. by lot No. 915; and on the SW. by lot No. 1377 and the municipal road

* * *; containing an area of 20,107 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 16, 1951, at 8:30 a.m., before the fourth branch of this Court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, this 19th day of January, 1951.

JOSE AZCONA
Clerk of Court

[1, 2]

Republic of the Philippines
In the Court of First Instance of Rizal

NATURALIZATION CASE NO. 96.—*In the matter of the petition of EDUARDO TAN to be admitted a citizen of the Philippines.*

NOTICE OF HEARING

To the Honorable Solicitor General, and to the Petitioner Eduardo Tan, No. 114 S. Guzman Street, San Juan, Rizal, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended by Commonwealth Act No. 535 has been presented in this Court of First Instance of Rizal by Eduardo Tan, who alleges, that his present place of residence is No. 114 S. Guzman St., San Juan, Rizal; that his trade or profession is that of branch manager of the Camarines Norte Sawmills, in which he had been engaged since 1946 and from which he derives an average annual income of P3,000; that he was born on February 15, 1920, in Manila, Philippines, and is at present a citizen or subject of China, under whose laws Filipinos may become naturalized citizens or subjects thereof; that he is married and his wife's name is Dalisay V. Cruz who was born in Corregidor Island, and now resides at No. 114 S. Guzman, San Juan, Rizal; that they have only one child named Eduardo Tan, Jr., who was born on February 17, 1950 in Manila; that he has resided continuously in the Philippines for a term of thirty-one years at least, immediately preceding the date of this petition, to wit, since February 15, 1920 and in the municipality of San Juan, Rizal, for a term of 3 years at least, immediately preceding the date of this petition, to wit, since the year 1948; that he is able to speak and write English and Tagalog; and that he cites as witnesses whom he proposes to introduce in support of his petition, Messrs. Henry Manalo, of legal age, residing at Maximo Reyes St., Sta. Lucia Subdivision, San Juan, Rizal, and Roque Sarmiento, of legal age, residing at No. 58 Alvarado, Manila, both Filipino citizens.

Wherefore, you are hereby given notice that the said petition will be heard by this Court, sitting in

the City Hall of Quezon City, on the 18th day of October, 1951, at 8:30 a.m.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks, in the newspaper, *The Daily Record*, of general circulation in this province and in the *Official Gazette*, thrice in the successive issues thereof, and also let a copy of the same be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Hermogenes Caluag, judge of this court, this 7th day of February, 1951.

Attest:
[2-4]

SEVERO ABELLERA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Pangasinan
Third Judicial District
Third Branch, Tayug

CIVIL CASE NO. 11586.—*In the matter of Philippine citizenship by FLAVIANO SY SU, petitioner*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila, and Mr. Flaviano Sy Su, petitioner, Tayug, Pangasinan, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Act No. 535, has been presented in this Court of First Instance of Pangasinan by Flaviano Sy Su, a chinaman, who alleges that he was born on December 23, 1921, at Tayug, Pangasinan, and at present a citizen or subject of China; that his present place of residence is Tayug, Pangasinan, where he has been residing for more than twenty-five years until the present; that he is a merchant by profession; that the petitioner is married and can speak and write the English language, besides, Ilocano and Pangasinan dialects; that he believes in the principles underlying the Philippine Constitution; that he conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community wherein he lives; that he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign power and particularly to the Republic of China of which he is at present a citizen or subject; and that he will reside continuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship, citing Messrs. Pedro Santillon and Narciso E. Abenojar, both citizens of the Philippines as witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard in the third branch of this Court at Tayug, Pangasinan, on the 30th day of July, 1951, at 8:30 o'clock sharp in the morning; and

It is hereby ordered that this notice be published at the expense of the petitioner once a month for three consecutive months in the *Official Gazette*, Manila, and once a week for three consecutive weeks in the *Pangasinan Courier*, a newspaper of general circulation in the Province of Pangasinan, and that said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Rodolfo Baltasar, Judge of the Court of First Instance of Pangasinan, this 26th day of January, 1951.

For the clerk:

VICENTE J. ANGELES
Deputy Clerk of Court

[2-4]

Republic of the Philippines
In the Court of First Instance of the City of Baguio
Second Judicial District

NATURALIZATION CASE No. 8.—*In re: Petition for the reacquisition of Filipino citizenship. JUVENTCIO A. ABSALON, applicant.*

NOTICE OF PETITION FOR REACQUISITION OF PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Mr. Juvencio A. Absalon, No. 17 Cariño Subdivision, City Camp, Baguio, and to whom it may concern:

Whereas, a petition for reacquisition of Philippine citizenship pursuant to Commonwealth Act No. 63, as amended by Republic Act No. 106, has been presented to this Court of First Instance of the City of Baguio by Juvencio A. Absalon, who alleges: that he is single and a laborer by profession; that he was born at Calasiao, Pangasinan, on July 10, 1886; that he left for the United States in the year 1909 and stayed there up to the end of 1948 when he came back to the Philippines on board the *General Gordon* and arrived in Baguio on February 10, 1949, where he is at present residing at No. 17 Cariño subdivision, City Camp, Baguio; that previous to the above-mentioned date of February 10, 1949, he resided at No. 226 East 14th Street, New York City, New York, U.S.A., and while there, he was naturalized as an American citizen before the District Court of the United States at New York City, New York, on July 31, 1947; that he now desires to reacquire his Philippine citizenship for the reason that he has no more intention of going back to the United States; that as proof of his good intention, he has already executed on July 3, 1950, an oath renouncing his being a national of the United States and same was approved by the Department of State on August 3, 1950, as can be seen by the certification of the Vice Consul of the United

and which is attached with his petition as Exhibit A and made as an integral part of his petition; that he has all the qualifications which are required under existing laws for one who desires to be naturalized; that from the time the herein petitioner came back to the Philippines, he has conducted himself in an irreproachable manner during the entire period of his residence, as well as in his relations with the constituted government and the community in which he lives as can be seen in the attached joint affidavit of Messrs. Eduardo Ojena and Cipriano Virtudazo who are both residents of the City Camp, Baguio; that for the purpose or reacquiring his former citizenship as a Filipino, it is necessary to file this petition under the provisions of Commonwealth Act No. 63 in accordance with the letter of the First Deputy Commissioner of the Bureau of Immigration, dated October 30, 1950, and which is attached to the petition as Exhibit B and made an integral part of his petition, and citing Messrs. Eduardo Ojena and Cipriano Virtudazo who are both residents of City Camp, Baguio and both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby notified that said petition will be heard before the session hall of this court, at the City Hall, City of Baguio on the 18th day of December, 1951, at 8:30 o'clock in the morning.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks, in the *Official Gazette*, and in the *Baguio Midland Courier*, a newspaper edited, published and of general circulation in the province and the City of Baguio where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court of this court.

Witness the Hon. Hermogenes Concepcion, Judge of the Court of First Instance of the City of Baguio, this 7th day of February, 1951.

FERNANDO ROMERO
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Manila
Sixth Judicial District
Branch VI

CASE No. 11373.—*In the matter of the petition of YAO CHING KANG alias TOMAS CHUA TIAO KUI to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP
To the Honorable Solicitor General and to Mr. Jose A. Uy, attorney for the petitioner, 1135 Don Quijote, Sampaloc, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended by Act No. 535, has been presented in this court by Yao Ching Kang alias Tomas Chua Tiao Kui, who alleges that he

Rosario, Manila; that his trade or profession is merchant, in which he has been engaged since 1922, and from which he derives an average annual income of ₱12,000; that he is married; that his wife's name is Yu Guat Chiu, who was born in China, and now resides at 194 Rosario, Manila; that he has ten children, named Yao Kim Tong *alias* Tomas Chua, Jr., and Victoria Chua *alias* Yao Siok Eng, both born in Fookien, China, Yao Yu Som *alias* Joseph Chua, Yao Siok Cheng *alias* Mary Chua, Yao Yu Bian *alias* Bonifacio Chua, Yao Siu Lun *alias* Helen Chua, Yao Tin Lun *alias* Josephine Chua, Yao Yan Lun *alias* Carmen Chua, Yao Soat Lun *alias* Nelly Chua and Yao Hui Lun *alias* Rosy Chua, all born in Manila; that he arrived in the Philippines from Amoy, China, on July 17, 1918, at the port of Manila on an English boat, which name he has already forgotten; that he has resided continuously in the Philippines for more than thirty years, and in the City of Manila for at least a year; that he is able to speak and write Spanish and Tagalog; that he enrolled his children named Yoa Kim Tong *alias* Tomas Chua, Jr. and Yao Yu Som *alias* Joseph Chua, at San Juan de Letran College, Yao Siok Cheng *alias* Mary Chua, at Santo Tomas University, Yao Siok Eng *alias* Victoria Chua, at Bethel High School, Yao Yu Bian *alias* Bonifacio Chua, Yao Siu Lun *alias* Helen Chua, Yao Tin Lun *alias* Josephine Chua and Yao Yan Lun *alias* Carmen Chua, at St. Stephen Elementary School; and that he cites Messrs. Mauro Lamagna and Ramon M. Sangalang, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this court on the 30th day of October, 1951, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, once a week for three consecutive weeks, in the *Official Gazette* and in the *Voz de Manila*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Potenciano Pecson, Judge of the Court of First Instance of Manila, this 31st day of January, in the year nineteen hundred and fifty-one.

Attest:

MACARIO M. OFILADA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Manila
Sixth Judicial District
Branch B

CASE NO. 13180.—*In the matter of the petition of VICENTE DY SUN, Sr. alias YU HUN to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to Mr. Horacio Poblador, attorney for the petitioner,

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 483 as amended, has been presented in this court by Vicente Dy Sun, Sr. *alias* Yu Hum, who alleges that he was born on October 1, 1920, in Chinkang, China; that he is a resident of No. 935 A. Mabini Street, Manila; that his trade or profession is merchant, in which he has been engaged since the year 1938, and from which he derives an average annual income of ₱12,000 more or less; that he is married; that his wife's name is Maria Gloria J. Ramallosa, who was born in Tayabas, Philippines, and now resides at No. 935 A. Mabini, Manila; that he has four children, named Vicente R. Dy Sun, Jr., Edita Norma R. Dy Sun, Victory R. Dy Sun and Alberto R. Dy Sun, all born in Manila; and all residing at 935 A. Mabini; that he emigrated to the Philippines, from Amoy, China, on or about July 30, 1930, and arrived at the port of Manila on the vessel *Macaria*; that he has resided continuously in the Philippines for a period of more than twenty years, and in the City of Manila, for a year at least, immediately preceding the date of the petition; that he is able to speak and write Spanish and Tagalog and understand a little English; that he is the owner of real estate situated in Grace Park and worth ₱5,000; that he enrolled his children of school age named Vicente, Jr. at the Ateneo de Manila, Edita and Victory at the Chinese Republican School; and that he cites Messrs. I. Christian Monsod and Eugenio Torres, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this court on the 18th day of October, 1951, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, once a week for three consecutive weeks, in the *Official Gazette* and in the *La Opinion*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Agustin P. Montesa, Judge of the Court of First Instance of Manila, this 2nd day of February, in the year nineteen hundred and fifty-one.

Attest:

MACARIO M. OFILADA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Manila
Sixth Judicial District
Branch V

CASE NO. 13202.—*In the matter of the petition of LIM BUN BIAN to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to Mr. An-

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented to this court by Lim Bun Bian, who alleges that he was born on August 30, 1911, in Amoy, China; that he is a resident of No. 419 Estero Cegado street, Manila; that his trade or profession is businessman, in which he has been engaged since years before the last global war, and from which he derived an average annual income of ₱40,537.38 in 1946, ₱50,561.44 in 1947, ₱76,293.10 in 1948 and ₱49,422.17 in 1949; that he is married; that his wife's name is Co Oh Sy, who was born in Amoy, China, and now resides with him at 419 Estero Cegado street, Manila; that he has three children, named Manuel Lim Pin Kin, Benito Lim Pin Hong and Antonio Lim Ke Tee, all born in Manila; that he emigrated to the Philippines from Amoy, China, on or about October 10, 1927, and arrived at the port of Manila, on the vessel *Hua Ling*; that he has resided continuously in the Philippines, for a period of more than twenty-three years, and in the City of Manila, for a year at least, immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; and that he enrolled his children named Manuel Lim Pin Kin and Benito Lim Pin Hong at the Anglo Chinese School. He cites Messrs. Prudencio de Guzman and Guillermo Escalante, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 25th day of October, 1951, at 8:30 o'clock a.m.

Let this notice be published at the request and expense of the petitioner, once a week for three consecutive weeks, in the *Official Gazette* and in the *Voz de Manila*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Oscar Castelo, Judge of the Court of First Instance of Manila, this 5th day of February, in the year nineteen hundred and fifty-one.

Attest:

MACARIO M. OFILADA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Manila
Sixth Judicial District
Branch V

CASE No. 13239.—*In the matter of the petition of QUINTIN SY QUIATCO to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP
To the Honorable Solicitor General and to Mr. Severino Z. Macavinta, Jr., attorney for the petitioner, 557 Elcano, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended

Quiatco, who alleges that he was born on July 4, 1920, in Manila, Philippines; that he is a resident of No. 114 Escolta, Manila; that his trade or profession is importer, in which he has been engaged since 1947, and from which he derives an average annual income of ₱6,000; that he is married; that his wife's name is Tisa Yee Chan, who was born in Hongkong, China; and now resides at the same place, Hongkong, China; that he has two children, named Sy Yee Ham, born on February 5, 1949, in Hongkong, and Sy Be Ki, born on January 22, 1950, in Hongkong; that he returned to the Philippines, from Hongkong, China on or about September 1, 1934, and arrived at the port of Manila on the vessel *Ankeng*; that he has resided continuously in the Philippines since his birth, and in the City of Manila, for a year at least, immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; and that he is entitled to the benefit of section 6 of Commonwealth Act No. 473 as amended, for having resided continuously in the Philippines for more than thirty years. He cites Dr. Lorenzo A. Villegas and Atty. Prudencio Cichon, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 30th day of October, 1951, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, once a week for three consecutive weeks, in the *Official Gazette* and in the *Voz de Manila*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Oscar Castelo, Judge of the Court of First Instance of Manila, this 10th day of February, in the year nineteen hundred and fifty one.

Attest:

MACARIO M. OFILADA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Manila
Sixth Judicial District
Branch X

CASE No. 13250.—*In the matter of the petition of NG KEE TEK alias KEATER HUANG to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP
To the Honorable Solicitor General and to Mr. Jose A. Uy attorney for the petitioner, 1135 Don Quijote, Sampaloc, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court by Ng Kee Tek alias Keater Huang, who alleges that he was born

a resident of No. 271 Soler Street, Manila; that his trade or profession is merchant, in which he has been engaged since 1927, and from which he derives an annual income of P3,000 including salary and bonus; that he is married; that his wife's name is Tan Giok Tin, who was born in Amoy, China, and now resides with him in Manila; that he has three children named Ng Koan Chay *alias* Grace Huang and Ng E. Tong *alias* Eden Huang, both born in China, and Ng Hoan Pang *alias* James Huang, born in Manila; that he emigrated to the Philippines from China in 1927 and landed in the port of Manila on board the vessel *Susana*; that he has resided continuously in the Philippines for a period of twenty-four years, and in the City of Manila, for a year at least immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; that he is the owner of a building of strong materials situated at 271 Soler, Manila, worth about P11,000; and that he enrolled his children named Ng Koan Chay at the Centro Escolar University, Ng E. Tong at the St. Stephen School and Ng Hoan Pang at the Chia-Nan School. He cites Messrs. Jose Suntay, Jr. and Simon Robles, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 31st day of October, 1951, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, once a week for three consecutive weeks, in the *Official Gazette* and in the *Nueva Era*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Higinio B. Macadaeg, Judge of the Court of First Instance of Manila, this 18th day of February, in the year nineteen hundred and fifty-one.

Attest: MACARIO M. OFILADA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Cebu

CASE No. 104.—*In re: Petition for Philippine citizenship by VICENTE CANG GUAN TECK*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Mr. Lamberto O. Bajarias, attorney for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 478, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Cebu by Vicente Cang Guan Teck who alleges that he was born in China or that he emigrated to the Philippines from

China on or about the 16th day of November, 1916, and arrived at the port of Cebu, Philippines, on the vessel *Lim An*; that he is a resident of Cebu City; that his trade or profession is that of merchant in which he has been engaged since 1945; that he is married; that his wife's name is Go (Ngo) Kim Tee, who was born in China and now resides at Juan Luna St., Cebu City; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows: 1. Alfonso Cang, Jan. 22, 1928, Cebu City, residing at Juan Luna St., Cebu City; 2. Jose Cang, Aug. 19, 1930, Cebu City, residing at Juan Luna St., Cebu City; 3. Teresita Cang, Aug. 18, 1931, Cebu City, residing at Juan Luna St., Cebu City; 4. Pio Cang, July 11, 1932, Cebu City, residing at Juan Luna St., Cebu City; 5. Manuel Cang, June 18, 1933, Cebu City, residing at Juan Luna St., Cebu City; 6. Marcia Cang, June 5, 1934, Cebu City, residing at Juan Luna St., Cebu City; 7. Vicente Cang, Jr., July 6, 1935, Cebu City, residing at Juan Luna St., Cebu City; 8. Buenaventura Cang, Dec. 24, 1938, Cebu City, residing at Juan Luna St., Cebu City; 9. Roberto Cang, Jan. 6, 1940, Cebu City, residing at Juan Luna St., Cebu City; that he is able to speak and write English, Spanish and Cebuano-Visayan dialect; that he has enrolled his children of school age in the following schools: Alfonso Cang, University of the Visayas, Cebu City; Jose Cang, University of San Carlos, Cebu City; Teresita Cang, University of San Carlos, Cebu City; Pio Cang, University of the Visayas, Cebu City; Manuel Cang, University of the Visayas, Cebu City; Marcia Cang, Colegio de la Inmaculada Concepcion, Cebu City; Vicente Cang, Jr., Sta. Theresa; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty years from the filing of the declaration of intention) for the following reasons: that he has resided continuously in the Philippines for a term of more than 30 years, to wit: since Nov. 16, 1916 citing Messrs. Eugenio Rodil and Antonio B. Tujan, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 14th day of January A. D., 1952 at Cebu City; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *Morning Times*, a newspaper of general circulation in the province/City of Cebu where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Juan L. Bocar, Judge of the Court of First Instance of Cebu, this 24th day of January, in the year nineteen hundred and fifty-one.

Attest:

EUGENIO RODIL

Republic of the Philippines
In the Court of First Instance of Mindoro Oriental
Eighth Judicial District

NATURALIZATION CASE NO. 5.—*In the matter of the petition of CHUA CHING alias ALFONSO CHUA CHING to be admitted as a citizen of the Philippines.*

NOTICE OF HEARING OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Mr. CHUA CHING, petitioner, Calapan, Mindoro Oriental; Atty. Juan L. Luna, counsel for the petitioner, San Francisco del Monte, Quezon City.

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended by Commonwealth Act No. 535, has been filed with this Court of First Instance of Mindoro Oriental by Chua Ching *alias* Alfonso Chua Ching wherein it is alleged that the petitioner was born in Amoy, China, on June 2, 1908; that he emigrated from Amoy, China, to the Philippines on or about June 5, 1920, and arrived at the port of Manila on the S.S. *Taisan* on June 8, 1920; that he is now residing in the poblacion, Calapan, Mindoro Oriental, and that his trade or occupation is merchant, from which he derives an annual income of P3,500; that he is married to Trinidad Cheng, who was born in the City of Manila, Philippines, on June 12, 1922 and who now resides with him and his children in Calapan, Mindoro Oriental; that he has two children begotten with his wife Trinidad Cheng, whose names, date and place of birth are as follows: Aurea Chua, April 24, 1941, Calapan, Mindoro Oriental; and Arthur Chua, October 4, 1944, Calapan, Mindoro Oriental; that he is able to speak and write English and Tagalog or the National Language; that both Aurea and Arthur Chua are enrolled at the Chu Eng School, Grades I and II, respectively. He cites Messrs. Vicente Leido, Cristina Parás, and/or Antonio L. Luna, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that the said petition will be heard by this court on the 27th day of December, 1951, at 8:00 a.m.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks, in the *Official Gazette* and in the *Manila Chronicle*, a newspaper of general circulation in the Province of Mindoro Oriental where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Eusebio F. Ramos, Judge of the Court of First Instance of Mindoro Oriental, this 1st day of February, nineteen hundred and fifty-one.

Attest:

[2-41]

CRISTINO PARAS

Clerk of Court

Republic of the Philippines
In the Court of First Instance of Cagayan
First Judicial District

SPECIAL PROCEEDING NO. 6.—*In the matter of the petition of UI YU alias IGNACIO UY SECHUN to be admitted as a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; and to the petitioner UI YU *alias* Ignacio Uy Sechun, Tuguegarao, Cagayan; and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended by Commonwealth Act No. 535 has been filed with this Court of First Instance of Cagayan by UI YU *alias* Ignacio Uy Sechun, who alleges that he was born in Amoy, China, on November 28, 1903; that he emigrated to the Philippines from Amoy on or about March 11, 1916 and arrived at the port of Manila on the vessel *SS Susan*; that his present place of residence is Tuguegarao, Cagayan and his former place of residence was Faire, Cagayan; that his trade or profession is that of a businessman in which he has been engaged since 1927 and from which he derives an average annual income of P15,000; that he is the owner of the *La Helia de Faire*, a general merchandise store located at Tuguegarao, Cagayan; that he is married to Lee Yu, who was born in Chingkang, China, and now resides at Tuguegarao, Cagayan; that he has nine children and the name, date and place of birth, and place of residence of each of said children are as follows: Victoria, February 4, 1927, Faire, Cagayan, Manila; Purificacion, March 1, 1929, Faire, Cagayan, Tuguegarao, Cagayan; Eduardo, October 31, 1931, Faire, Cagayan, Manila; Quintin, October 31, 1933, Faire, Cagayan, Tuguegarao, Cagayan; Prudencio, April 28, 1937, Faire, Cagayan, Tuguegarao, Cagayan; Elpidio, September 5, 1940, Faire, Cagayan, Manila; Maximillian, March 26, 1943, Faire, Cagayan, Tuguegarao, Cagayan; Oliver, December 28, 1946, Faire, Cagayan, Tuguegarao, Cagayan; Carlos, November 4, 1949, Tuguegarao, Cagayan, Tuguegarao, Cagayan; that he is able to speak and write Ilocano, Tagalog, English and Spanish; that he has enrolled his children in the following schools: Victoria, Far Eastern University; Purificacion, Cagayan High School; Eduardo, Far Eastern University; Quintin, Cagayan High School; Prudencio, Cagayan Teacher's College; and Elpidio, Far Eastern University; that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted authorities as well as with the community in which he is living; that he has mingled socially with Filipinos, and has evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos; that he has all the qualifications re-

quired under section 2 and none of the disqualifications under section 4, of Commonwealth Act No. 473; that he is not opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing organized governments; that he is not defending or teaching the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas; that he is not a polygamist nor a believer in the practice of polygamy and he has never been convicted of any crime; that he is not suffering from any incurable contagious disease; that the nation of which he is a citizen is not at war with the Philippines; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to China of which at this time he is a citizen or subject; that he will reside continuously in the Philippines from the date of the filing of his petition to the time of his admission to Philippine citizenship; that he is exempt from the requirement to make a declaration of intention pursuant to the provisions of section 6, Commonwealth Act No. 473, he having resided continuously in the Philippines for at least 30 years before filing this petition, to wit, 34 years since 1916 to date; citing Messrs. Pedro Carodan and Rosendo Gabriel, both citizens of the Philippines, as witnesses whom he proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this court at Tuguegarao, Cagayan, on the 6th day of September, 1951, at 8:30 a.m.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks, in the newspaper *The Philippines Herald*, edited in the City of Manila and of general circulation in the Province of Cagayan, where the petitioner resides, and in the *Official Gazette*, once a month for three consecutive months; and that a copy of the said petition and of this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. B. Quitoriano, Judge of the Court of First Instance of Cagayan, this 18th day of August, in the year nineteen hundred and fifty.

GUILLERMO GALVEZ
Clerk of Court

[2-4]

Republic of the Philippines
In the Court of First Instance of Quezon
Ninth Judicial District
Branch I

NATURALIZATION CASE No. 53.—*In the matter of the petition of UY BUN TAM to be admitted a citizen of the Philippines.*

To the Honorable Solicitor General, Manila, and the petitioner Uy Bun Tam of the municipality

of Padre Burgos, Province of Quezon, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Quezon Province by Uy Bun Tam who alleges that he was born on the 3rd day of September, 1927, in Lamoa, China; that at present he is a citizen of China, under whose laws Filipinos may become naturalized citizens or subjects thereof; that his present place of residence is in barrio of Yawe, municipality of Padre Burgos, Province of Quezon, and his former residence was Lamoa, China; that he is married and his wife's name is Chi Pek Giok who was born in Amoy, China, and now resides at Yawe, Padre Burgos, Quezon; that he has a child and the name, date and place of birth, and place of residence of whom is as follows: Jose Uy Castro, Jr., born May 8, 1949, in Yawe, Padre Burgos, Quezon and residing at the same place; that his trade or profession is that of a merchant in which he had been engaged since January 9, 1949, and from which he derives an average annual income of ₱3,000; that he emigrated to the Philippines from China on or about the 16th day of June, 1928, and arrived at the port of Manila, Philippines, on the vessel *Tai Seng*; that he has resided continuously in the Philippines for a term of 22 years at least, immediately preceding the date of this petition, to wit, since June, 1928, and in the municipality of Padre Burgos, Quezon Province, for a term of one year at least, immediately preceding the date of the petition, to wit, since the year 1928; that he can speak and write Tagalog and English languages; that he has not yet enrolled his child in any school for his child is not yet of school age; that he has not heretofore made petition for citizenship to any court; and that he cites Mr. Gaudencio V. Vera of Lopez, Quezon, and Gregorio Santayana of Lucena, Quezon, both Filipinos, of legal age and residents of the places already given, as the witnesses whom he proposes to introduce at the hearing in support of his petition.

Therefore, you are hereby given notice that the said petition will be heard by this Court of First Instance of Quezon Province, Branch I, on the fourth day of December, 1951, at 8:30 o'clock in the morning in its session hall at Lucena, Quezon, Philippines.

Let this notice be published, at petitioner's expense, once a week for three consecutive weeks in the newspaper, *The Manila Chronicle* edited in the City of Manila and of general circulation in the Province of Quezon where the petitioner resides, and also in the *Official Gazette* once in each issue in any three successive issues, and let a copy of said petition and of this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Antonio Cañizares, judge of this court, Branch I, this 16th day of February, 1951, at Lucena, Quezon, Philippines.

GREGORIO L. GONZALEZ
Clerk of Court

By:

CELSO M. ORTIZ
Special Deputy Clerk

[2-4]

Republic of the Philippines
In the Court of First Instance of Pangasinan
Third Judicial District
Second Branch, Dagupan City

CIVIL CASE No. 11605.—*In re: Reacquisition of Philippine citizenship.* AGATON NEREY DE VERA, petitioner.

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Atty. Salvador T. Mananzan, counsel for the petitioner, Bayambang, Pangasinan, Mr. Agaton Nerey de Vera, Dagupan City, and to all whom it may concern:

Whereas, a petition for Philippine citizenship, pursuant to the Commonwealth Act No. 473, as amended by Act No. 535, has been presented to this Court of First Instance of Pangasinan, second branch, by Agaton Nerey de Vera, who alleges that he resides at Ambayat, Bayambang, Pangasinan, Philippines; while he resides formerly in the Territory of Hawaii at 1050 Aala Street, Honolulu, T. H.; that he is at present student in the Dagupan Colleges taking up courses in mechanics and at the same time engages himself in farming by managing his own properties which he acquired before he left for Hawaii in 1930; that he was born on January 10, 1938 in the municipality of Bayambang, Province of Pangasinan, Philippines; that he received his primary and intermediate education from Bayambang Elementary School of Bayambang, Pangasinan, Philippines; that he acquired the nationality of the United States by virtue of naturalization before the United States District Court of the District of Hawaii at Honolulu, T. H., on December 13, 1946 when he joined the Armed Forces of the United States during the Pacific War; that he made a formal renunciation of the nationality of the United States on September 19, 1950 and approved by the Department of State, Washington, on October 18, 1950; that he resided continuously in the Philippines from the time he returned to the Philippines on August 17, 1947 except when he returned to Hawaii on March 10, 1948 to get his personal belongings and returned on August 10, 1949 to reside permanently at Ambayat, Bayambang, Pangasinan; that he is more than 21 years of age, and has resided in the Philippines for more than six months prior to the filing of this petition; that he is married to Eufrosina Valdez, and has one child, Rosalina de

Vera who is four months old; that he is able to speak and write English and of the Pangasinan and Ilocano dialects; that he is of good moral character and believes in the principles underlying the Philippine Constitution, and has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in relation with the constituted government as well as with the community in which he is living, has mingled socially with the Filipinos, and has evinced a sincere desire to learn and embrace again the customs, traditions, and ideals of the Filipinos; that he is not opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized government; that he does not defend or teach the necessity or propriety of violence, personal assault, or assassination for the success and predominance of their ideas; that he is not a polygamist or a believer in the practice of polygamy; that he has never been convicted of any crime involving moral turpitude; that he is not suffering from mental alienation or incurable contagious diseases; and that he is not a citizen or subject of a nation at war with the Philippines; that it is his earnest desire and his intention in good faith to reacquire the citizenship of the Philippines and he has renounced absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly to the United States of America of which he had become a citizen on account of his military service during the Pacific War; and that he will reside and continuously live in the Philippines from the date of the filing of this petition henceforward; that he has not heretofore made petition for citizenship to any court in the Philippines; that he has already subscribed an oath declaring his intention to renounce absolutely and perpetually all faith and allegiance to the foreign authority, state or sovereignty which he was a citizen; that Ernesto Guevara and Gregorio Tomas, both of legal age, married, residents of Bayambang, Pangasinan, and Filipino citizens, will appear and testify as witnesses at the hearing of this petition; that attached hereto and made integral parts of this petition are: (a) Affidavit of witnesses; (b) petitioner's Alien Certificates of Registration issued by the Commissioner of Immigration; (c) Certificate of the Loss of the Nationality of the United States; and (d) photographs of the petitioner, duly autographed and signed.

Therefore, you are hereby given notice that the said petition will be heard by this court on the 12th day of December, 1951, at 8:30 o'clock in the morning, at Dagupan City, Philippines;

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the *Official Gazette*, and in the *Pangasinan Courier*, a newspaper of general circulation in the Province of Pangasinan, where the petitioner resides, and also let the said petition and this notice

be posted in a public conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Eulogio F. de Guzman, Judge of this Court of First Instance, second branch, this 16th day of February, 1951.

VICENTE A. UNGSON
Clerk of Court

[2-4]

Republic of the Philippines
In the Court of First Instance of Pangasinan
Third Judicial District

CIVIL CASE No. 11602.—*In the matter of the petition of ANG LENG THUNG alias DIEGO YOUNG to be admitted as citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; and Atty. Rufino J. Marasigan, R-458 Regina Building, Escolta, Manila; and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Act No. 535, has been presented in this Court of First Instance of Pangasinan by Ang Leng Thung alias Diego Young, a Chinaman, who alleges that he was born on November 16, 1920, in Chingkang, China, and at present a citizen or subject of China; that his present place of residence is Alaminos, Pangasinan, where he has been residing for a term of one year at least, but has been residing, however, in the Philippines for a term of 17 years, having arrived at the port of Manila, Philippines, on March 10, 1933; that he is a merchant by profession; that the petitioner is married and can speak and write English language besides Ilongo and Tagalog dialects; that he believes in the principles underlying the Philippine Constitution; that he conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community wherein he lives; and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolute and forever all allegiance and fidelity to any foreign power and particularly to the Republic of China of which he is at present a citizen or subject; and that he will reside continuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship, citing Messrs. Juan G. Rodriguez and Teodoro Montemayor, both citizens of the Philippines and residents of Alaminos, Pangasinan, as witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard in the First Branch of this Court at Lingayen, Pangasinan, on the 6th day of

September, 1951, at 8:30 o'clock in the morning; and

It is hereby ordered that this notice be published, at the expense of the petitioner, once a month for three months successively in the *Official Gazette*, Manila, and once a week for three weeks successively in the *Pioneer Herald*, a newspaper of general circulation in the Province of Pangasinan, and that said petition and this notice be posted in a public and conspicuous place in the office of the clerk of court.

Witness the Hon. Pedro Villamor, judge of the Court of First Instance of Pangasinan, First Branch, this 12th day of February, 1951.

JOSE CRISOSTOMO
Clerk of Court

[2-4]

Republic of the Philippines
In the Court of First Instance of Rizal
Quezon City (Branch III)

NATURALIZATION CASE No. Q-21.—*In the matter of the petition of NG KEE GEE alias ANG TIONG KIOW to be admitted a citizen of the Philippines.*

NOTICE OF HEARING

To the Honorable Solicitor General, Manila; Atty. Jose P. de la Cruz, 1314 Trabajo, Manila; Mr. Ng Kee Gee alias Ang Tiong Kiou, 66 Makiling St., Quezon City; and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Act No. 535 has been presented in this court by Ng Kee Gee alias Ang Tiong Kiou, who alleges that he was born on the 21st day of January, 1918 in Tong An, China; that he is a merchant by profession from which he derives an average annual income of ₱20,000; that he is married; that his wife's name is Eufrecina Chan Toby who was born in Vigan, Ilocos Sur; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows: Jimmy Ang, born May 4, 1944 in Manila; Jerry Ang, born December 4, 1948 in Manila; and Ang Tiong Kiou, Jr., born May 14, 1950 in Manila; that he emigrated to the Philippines from China on or about the 27th day of April, 1935, and arrived at the port of Manila, Philippines, on the vessel S/S *An King*; that he resided continuously in the Philippines for a term of 15 years at least, immediately preceding the date of this petition, to wit, since 1935, and in Quezon City for a term of one year at least, immediately preceding the date of this petition, to wit, since the year 1949; that he is able to speak and write English and Tagalog; that he has enrolled his children in the following schools: Jimmy Ang—Saint Stephen Academy; he cites Messrs. Olegario B. Clarin and Jose Atienza, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that the said petition will be heard by this court on the 29th day of September, 1951 at 8:00 a.m.

Let this notice be published at the expense of the petitioner once a week for three consecutive weeks, in the *Official Gazette*, and in the *Philippines Herald*, a newspaper of general circulation in the Province of Rizal and in Quezon City, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the clerk of court.

Witness the Hon. Hermogenes Caluag, Judge of this Court of First Instance of Rizal, Quezon City (Branch III), this 23rd day of February, 1951.

BENITO MACROHON
Clerk of Court

[2-4]

Republic of the Philippines
In the Court of First Instance of Nueva Ecija
Fourth Judicial District

SPECIAL PROCEEDING NO. 561.—*In re: Intestate of BERNARDO NABONG and EMITERIA ALINIO, deceased. BERNARDO NABONG, Jr., petitioner.*

ORDER

A petition having been filed by Bernardo Nabong, Jr., alleging, among other things, that Bernardo Nabong died on October 3, 1940, and Emeteria Alinio died on December 27, 1948, that at the time of their death they were residents of San Antonio, Nueva Ecija, that they left properties to be settled, and that letters of administration issue in favor of Bernardo Nabong, Jr.;

It is hereby ordered that said petition be set for hearing on June 28, 1951, at 8:00 a.m., branch second.

Any interested persons may, by filing a written opposition, contest the petition on the ground of incompetency of the person for whom letters are prayed herein, or on the ground of the contestant's own right to the administration, and may appear on the date and hour and place set forth above in order that he or she may be heard.

Let this order be published, at the expense of the petitioner, in the newspaper of the *Official Gazette* of general circulation of this province, once a month for three months successively, the first publication to begin on March 28, 1951, and copies be posted at the doors of this court, of the post office of the municipality where the decedents died and of that where they had had their last permanent residences; and, further, let copies hereof be served upon all such heirs and creditors and other interested persons, if any, as are specified in the petition.

It is so ordered.

City of Cabanatuan, Philippines, February 19, 1951.

MARIANO NABE

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Cadastral Case No. RT-197, G.L.R.O. Record No. 88,
Re-Lot No. 1647

THE DIRECTOR OF LANDS, claimant, *versus* PILAR
BRIONES DE YANZON, petitioner

NOTICE

To Mrs. Pilar Briones de Yanzon, Yap and Co., Luis Lim Katiam and Juan Arispe, all of Legaspi City and to all whom it may concern:

Whereas, a petition has been filed in this Court under the provisions of Republic Act No. 26 by Mrs. Pilar Briones de Yanzon, praying for the reconstitution of transfer certificate of title covering lot No. 1647 of the cadastral survey of Legaspi, situated in Legaspi City, in the name of the herein petitioner, for the reason that both the owner's duplicate copy and the original kept on file in the Office of the register of deeds of Albay were either lost or completely destroyed as a result of the last war. Said lot is described as follows:

A parcel of land (lot 1647 of the cadastral survey of Legaspi, G. L. R. O. cadastral record No. _____), situated in the municipality of Legaspi, Province of Albay. Bounded on the NE., by lots 1649 and 1650 of Legaspi cadastre; on the SE., by lot 1648 of Legaspi cadastre; on the SW., by Calle Sabang; and on the NW., by lot 1667 of Legaspi cadastre; containing an area of 374 square meters, more or less.

Now, therefore, you are hereby given notice that said petition will be heard on April 21, 1951, at 8:00 a.m., before this Court, branch II, at Legaspi City, on which date, hour and place you must appear and file your opposition if any you have, to the said petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent by registered mail to each of the owners of the lands adjoining to the land described above at the expense of the petitioner and be posted at the main entrance of the provincial building and of the municipal building of Legaspi City, at least 30 days before the date of hearing.

Witness the Hon. Angel H. Mojica, judge of this court, this 27th day of January, 1951, at Legaspi City.

JUSTINO BALDE
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Cadastral Case No. RT-136, G.L.R.O. Record No. _____, Re-Lot No. 1442

THE DIRECTOR OF LANDS, claimant, *versus* TEODULO V. GRANADA, petitioner

NOTICE

To Teodulo Granada, Tabaco, Albay, Pedro, Al-

Mayor, all of Legaspi City; and to all whom it may concern:

Whereas, a petition has been filed in this Court under the provisions of Republic Act No. 26 by Teodulo Granada, praying for the reconstitution of original certificate of title covering lot No. 1442 of the cadastral survey of Legaspi, situated in Legaspi City, in the name of Lorenzo Vargas, for the reason that both the owner's duplicate copy and the original were lost and completely destroyed during the last war: Said lot is described as follows:

A parcel of land (lot 1442 (SWO-24052) of the cadastral survey of Legaspi, G.L.R.O. record No. 91), situated in the municipality of Albay, Province of Albay (now Legaspi City). Bounded on the NE. by provincial road; on the SE., by lot 9735 of Legaspi cadastre; on the SW., by lot 1044 of Legaspi cadastre and on the NW., by lot 1441 of Legaspi cadastre; containing an area of 64 square meters, more or less.

Now therefore, you are hereby given notice that said petition will be heard on April 21, 1951, at 8:00 a.m., before this Court, Branch I, at Legaspi City, on which date, hour and place you must appear and file your opposition if any you have, to the said petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent by registered mail to each of the owners of the lands adjoining to the land described above at the expense of the petitioner and be posted in the main entrance of the provincial building and of the municipal building of Legaspi City at least 30 days before the date of hearing.

Witness the Hon. Juan R. Liwag, judge of this court, this 25th day of January, 1951, at Legaspi City.

JUSTINO BALDE
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Tarlac
Fourth Judicial District

SPECIAL PROCEEDING (For reconstitution of lost certificates of title) No. 15.—*Reconstitution of the originals, also owner's and mortgagee's duplicates, of Original Certificates of Title Nos. 15182, 18778 and Transfer Certificates of Title Nos. 692, 694, 695, 817, 718, 1069, 1228, 2918, 2919, 3598, 3707, 6031, 7711, 589, 812, 2161, 693, Tarlac Registry of Deeds. TERESA SEVILLA and MAGDALENA SEVILLA, petitioners.*

NOTICE

To Geronimo Bandasan, Guido Briones, Severino Carmen, Cipriano Clemente, Timoteo de la Cruz, Porfirio Espinosa, Fortunato de Guzman, Evaristo Justo, Alfredo Martinez, Esteban Miguel, Rustico Nicolas, all of La Paz, Tarlac; Peoples Bank and Trust Company, Tarlac, Tarlac; Philippine Bank of Commerce, Manila; Com-

Miguel, Tarlac; and to all whom it may concern:

Whereas, a sworn petition has been filed with this Court under the provisions of Republic Act No. 26 by the two petitioners named above, with residence and postal address at 1001 Oroquieta, Manila, formerly at San Miguel, Bulacan, for the reconstitution of the originals of 19 Torrens titles (2 original certificates of title and 17 transfer certificates of titles) and, among others, alleging that: said originals were lost or destroyed in the Tarlac Registry of Deeds in the course of the liberation in January, 1945; the respective numbers of each are particularly stated in the above caption; all were entered in the said registry in the name of Catalino Sevilla, married to Valeriana de Leon, spouses Catalino Sevilla and Valeriana de Leon, and/or conjugal partnership of Catalino Sevilla and Valeriana de Leon, and covering 21 parcels of rice land all located in La Paz, Tarlac, and possessed by the petitioners through their overseers and tenants undertaking the rice-farming; the names and addresses of all persons which may have interest thereon, or may be adjoining owners, are listed above; and the respective areas and boundaries of each parcel are as follows:

OCT 15182.—1. A parcel of land (lot No. 552 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by lot No. 554; on the SE. by lot No. 553; on the SW. by lot No. 2167; and on the NW. by lot No. 2208 * * * containing an area of 8,577 square meters, more or less.

2. A parcel of land (lot No. 553 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by lot No. 554; on the SE. by lots Nos. 555 and 561; on the SW. by lot No. 2167; and on the NW. by lot No. 552 * * * containing an area of 8,866 square meters, more or less.

TCT 692.—A parcel of land (lot No. 549 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by the Cataguiang Sapa; on the SE. by lot No. 2208; on the SW. by lot No. 2167; and on the NW. by lot No. 547 * * * containing an area of 48,712 square meters, more or less.

TCT 694.—A parcel of land (lot No. 2208 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by the Cataguiang Sapa; on the SE. by lots Nos. 554 and 2167; on the SW. by lot No. 2167; and on the NW. by lot No. 549 * * * containing an area of 48,550 square meters, more or less.

TCT 695.—A parcel of land (lot No. 602 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by lot No. 1042; the Tarlac-Zaragoza road and lots Nos. 596, and 884; on the SE. by lots Nos. 883 and 879; on the SW. by lot No. 595, the Cataguiang Sapa, a canal and lots Nos. 597, 598, 599, 600 and 601;

containing an area of 311,666 square meters, more or less.

TCT 817.—A parcel of land (lot No. 597 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by lot No. 602; on the SE. by a canal; on the SW. by lot No. 601; and on the NW. by lot No. 598 * * * containing an area of 7,993 square meters, more or less.

TCT 818.—A parcel of land (lot No. 601 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by lots Nos. 602, 600, 599, 598 and 597; on the SE. by a canal; on the SW. by the Cataguiang Sapa; and on the NW. by lot No. 605 * * * containing an area of 35,928 square meters, more or less.

TCT 1069.—1. A parcel of land (lot No. 528 of the cadastral survey of La Paz), with the buildings and improvements thereon, except those herein expressly noted as belonging to other persons, situated in the municipality of La Paz. Bounded on the NE. by lots Nos. 2205, 2204 and 527; on the SE. by lot No. 533; on the SW. by lot No. 529; and on the NW. by lot No. 525 * * * containing an area of 38,611 square meters, more or less.

2. A parcel of land (lot No. 535 of the cadastral survey of La Paz), with the buildings and improvements thereon, except those herein expressly noted as belonging to other persons, situated in the municipality of La Paz. Bounded on the NE. by the Cataguiang Sapa; on the SE. by lot No. 536; and on the SW. and NW. by lot No. 534 * * * containing an area of 14,283 square meters, more or less.

TCT 1288.—A parcel of land (lot No. 2167 of the cadastral survey of La Paz), with the buildings and improvements thereon, situated in the municipality of La Paz. Bounded on the NE. by lots Nos. 543, 547, 549, 2208, 552, 553, 656, 561, 560; on the SE. by lots Nos. 563, 305, 2170, 2172 and 296; on the SW. by lots Nos. 296, 2165, 2166, 303, 2136 and 509, and 541 * * * containing an area of 1,124,790 square meters, more or less.

TCT 2918.—A parcel of land (lot No. 2169 of the cadastral survey of La Paz, cadastral case No. 5, G.L.R.O. cadastral record No. 130), situated in the municipality of La Paz. Bounded on the NE. by lot No. 305; on the SE. by lot No. 2168; on the SW. by lots Nos. 2171 and 2172; and on the NW. by lot No. 2170 * * * containing an area of 32,263 square meters, more or less.

TCT 2919.—A parcel of land (lot No. 2168 of the cadastral survey of La Paz, cadastral case No. 5, G.L.R.O. cadastral record No. 130), situated in the municipality of La Paz. Bounded on the NE. and SE. by lot No. 305; on the SW. by lot No. 2171; and on the NW. by lot No. 2169 * * * containing an area of 28,158 square meters, more or less.

TCT 3598.—A parcel of land (lot No. 2170 of

No. 5, G.L.R.O. cadastral record No. 130), situated in the municipality of La Paz. Bounded on the NE. by lots Nos. 2167 and 305; on the SE. by lot No. 2169; and on the SW. by lot No. 2172; and on the NW. by lot No. 2167 * * * containing an area of 37,742 square meters, more or less.

TCT 3707.—A parcel of land (lot No. 879 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by lot No. 882; on the SE. by lot No. 593; on the SW. by lot No. 594; and on the NW. by lots Nos. 595 and 602 * * * containing an area of 6,899 square meters, more or less.

TCT 6031.—A parcel of land (lot No. 512 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by lot No. 515; on the SE. by lot No. 511; on the SW. by lot No. 513; and on the NW. by lots Nos. 514 and 515 * * * containing an area of 10,493 square meters, more or less.

TCT 7711.—A parcel of land (lot No. 598 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by lot No. 602; on the SE. by lot No. 597; on the SW. by lot No. 601; and on the NW. by lot No. 599 * * * containing an area of 9,419 square meters, more or less.

OCT 18778.—A parcel of land (lot No. 2355 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by lot No. 1731; on the SE. and SW. by the Sapang Masalasa; and on the NW. by lot No. 2356 * * * containing an area of 8,977 square meters, more or less.

TCT 589.—A parcel of land (lot No. 1731 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by lots Nos. 1744 and 1745; on the SE. by lots Nos. 1745 and 1732; on the S. by the Masalasa Sapa; on the SW. by lot No. 1730; and on the NW. by property of Guido Briones, of the municipality of Tarlac * * * containing an area of 45,032 square meters more or less.

TCT 812.—A parcel of land (lot No. 804 of the cadastral survey of La Paz), situated in the municipality of La Paz. Bounded on the NE. by the Maet Sapa; on the SE. by lot No. 805; on the S. by Sapang Putot; and on the NW. by lot No. 803 and Maet Sapa * * * containing an area of 31,161 square meters, more or less.

TCT 2161.—A parcel of land (lot No. 894 of the cadastral survey of La Paz, cadastral case No. 6, G.L.R.O. cadastral record No. 131), with the buildings and improvements thereon, situated in the municipality of La Paz. Bounded on the NE. by lot No. 893; the Sapang Bayan or Paligue; on the SW. by the road to Tarlac; and on the NW. by lots Nos. 891 and 893 * * * containing an area of 35,480 square meters, more or less.

TCT 693.—A parcel of land with such buildings

in the barrio of Caramutan, municipality of La Paz. Bounded on the NE. by properties of the heirs of Eugenio Julian and Juan Ruiz; and on the SE. by property of Juan Ruiz; and on the SW. and NW. by the Sapang Cataging * * * containing an area of 79,981 square meters, more or less.

Wherefore, you are hereby given notice that said petition has been set for hearing on May 3, 1951, at 8:30 a.m., before Branch I of this Court, second floor, provincial jail building Court House, Tarlac, Tarlac, on which date, time and place you should appear and file your claims or objections, if you have any, to the petition. Let a copy of this notice be published at the expense of petitioners twice in successive issues of the *Official Gazette*, the last issue at least thirty days prior to the date of hearing.

Witness the Hon. Bernabe De Aquino, judge of said court, this 29th day of January, 1951.

ARSENIO G. CASTRO
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of La Union
Second Judicial District

Court Case No. 8, G.L.R.O. Cadastral Record No. 253

ADMINISTRATIVE CASE NO. 116-R.—Petition for reconstitution of the Certificate of Title Nos. "NA" supposed to cover respectively lots Nos. 3131, 3597 and 3681 of Aringay cadastral plan SWO-23724. CECILIA M. BALTAZAR, registered owner and petitioner.

NOTICE OF HEARING

To Petra Balaga, Genaro Viado, Fausto Tangonan, Feliciano Rullamas, Remigio Dulay, Feliza Diaz, Macario Dulay, Tomasa Diaz, Juan Baltazar, Isidro Mapili, Braulio Dulay, Roberto Panis, Lorenzo Diaz, Eugenio Doctolero, Pablo Cananindin, Mariano Rullamas, Agustin Mabanta, Leon Lacuat, Miguel Dulatre, Faustino Diaz, Geronimo Dulay, Juan Batario, Pancho Macaranag, Carmen Mamaril, Leon Dulay, Anacleto Dulay, Aniceto Piamonte, Sion Dulay, Norberto Panis, Marcos de Mesa, Anacleto Mangaoang, Bonifacio Doctolero, Bernabe Mercado, Marcos Dulatre, Angel Rullamas, Macario Viado, Santiago Mandarang, Gregorio Dulay, all of Aringay, La Union, The Manila Railroad Company, Manila, and Francisco Zandueta, counsel for the petitioner, 147 Guipit, Sampaloc, Manila.

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26 by Cecilia M. Baltazar, registered owner and petitioner, Aringay, La Union, for the reconstitution of the original certificate of title No. "NA", alleging to have lost the owner's duplicates while the

originals which were kept in the office of the register of deeds of La Union, were lost or destroyed due to operation of the last war. Said parcels of land are situated in the barrios of San Eugenio, Sta. Rita, and Sto. Rosario, municipality of Aringay, Province of La Union, and more particularly described and bounded as follows:

A parcel of land (lot 3131 of the cadastral survey of Aringay, G.L.R.O. cadastral record No. _____), situated in the barrio of San Eugenio, municipality of Aringay, Province of La Union. Bounded on the N., by lot 3132 of Aringay cadastre; on the SE., by lot 3134 of Aringay cadastre; on the S., by lot 3130 of Aringay cadastre and on the W., by lot 3128 of Aringay cadastre, containing an area of 1,408 square meters, more or less.

A parcel of land (lot 3597 of the cadastral survey of Aringay, G.L.R.O. cadastral record No. _____), situated in the barrios of Sta. Rita and San Eugenio, municipality of Aringay, Province of La Union. Bounded on the N., by lots 3648, 3649, 3655, 3656, 3659, trail to railroad, lots 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3602, 3603, 3423, and 3519 of Aringay cadastre; on the E., by lots 3604, 3615, 3603, 3602, 6384, 6383, 3600, 3599 and 3598 of Aringay cadastre; on the S., by lots 3603, 3600, 3598, 3341, 3343, 3400, 3395, 3394, 3423, 3519, 3587, and 3594 of Aringay cadastre and on the W., by lots 3602, 3339, 3343, 3366, 3396, 3397, 3398, 3399, 3400, 3419, 3423, 3515, 3519, 3528, 3526, road, lots 3551, 3587, 3593, 3696, 3656, 3657, and 3659 of Aringay cadastre, containing an area of 193,759 square meters, more or less.

A parcel of land (lot 3681 of the cadastral survey of Aringay, G.L.R.O. cadastral record No. _____), situated in the barrio of Sto. Rosario, municipality of Aringay, Province of La Union. Bounded on the NE., by lots 3668, and 3669 of Aringay cadastre; on the N., by lots 3673, 3679, 3791, 3687 and 3685 of Aringay cadastre; on the E., by lots 3687, 3686, 3685, 3684, 3683, 3682, 3484, 3481 and 3480 of Aringay cadastre; on the S., by lots 3484, 3482, and 3481 of Aringay cadastre and swamp; on the SW., by swamp; on the NW. by lots 3668, 3669 and 3670 of Aringay cadastre and on the W., by lots 3670, 4686, 3673, 3675, 3679 3680 of Aringay cadastre, containing an area of 103,581 square meters, more or less.

Wherefore, you are hereby given notice that said petition has been set for hearing on August 23, 1951, at 8:30 o'clock in the morning, in the session hall of the Court of First Instance, San Fernando, La Union, at which time, date and place, you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Jose C. Zulueta, judge of the said court, this February 6, 1951.

[2-4]

MIGUEL RILLORAZA

Clerk of Court of La Union

Republic of the Philippines
In the Court of First Instance of La Union
Second Judicial District

Court Case No. 1, G.L.R.O. Cadastral Record No. 237

ADMINISTRATIVE CASE NO. 117-R.—Petition for reconstitution of the Certificates of Title Nos. "NA" supposed to cover lots Nos. 63 and 64 of Aringay cadastre, described now on Plan SWO-23723. FRANCISCO ZANDUETA and CECILIA M. BALTAZAR, registered owners and petitioners.

NOTICE OF HEARING

To Catalina Ninobla, heirs of Clara Abellera, Cecilia, Bernal, Victorina Doctolero, and Agustín Ninobla all of Aringay, La Union, Provincial Government, San Fernando, La Union, and Francisco Zandueta and wife, 147 Guipit, Sampaloc, City of Manila.

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26 by Francisco Zandueta and Cecilia M. Baltazar registered owners, Aringay, La Union, for the reconstitution of the original certificate of title No. "NA" alleging to have lost the owner's duplicates, while the originals which were kept in the office of the register of deeds of La Union, were lost or destroyed due to operation of the last war. Said parcels of lands are situated in barrio Sta. Lucia, Aringay, La Union, and more particularly described and bounded as follows:

A parcel of land (lot 63 of the cadastral survey of Aringay, G.L.R.O. cadastral record No. _____), situated in the barrio of Sta Lucia, municipality of Aringay, Province of La Union. Bounded on the NE., by Magsiping River and lot 74 of Aringay cadastre; on the SE. by lots 74, 66 and 64 of Aringay cadastre; on the S., by Aringay River and lot 62 of Aringay cadastre and on the W., by lots 62 and 63 of Aringay cadastre, containing an area of 91,508 square meters, more or less.

A parcel of land (lot 64 of the cadastral survey of Aringay, G.L.R.O. cadastral record No. _____), situated in the barrio of Sta. Lucia, municipality of Aringay, Province of La Union. Bounded on the NE., by lot 66 of Aringay cadastre; on the SE., by lot 65 of Aringay cadastre; on the SW., by Aringay River and on the NW., by lot 63 of Aringay cadastre, containing an area of 3,383 square meters, more or less.

Wherefore, you are hereby given notice that said petition has been set for hearing on August 23, 1951, at 8:30 o'clock in the morning, in the session hall of the Court of First Instance, San Fernando, La Union, at which time, date and place you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Jose C. Zulueta, judge of the said court, this February 6, 1951.

MIGUEL RILLORAZA

Republic of the Philippines
In the Court of First Instance of La Union
Second Judicial District

G.L.R.O. Record No. 2821

ADMINISTRATIVE CASE NO. 118-R.—Petition to reconstitute under the provisions of Republic Act No. 26, the Original Certificate of Title No. "NA" covering a parcel of land identified as lot No. 5 of Plan I-978. CECILIA BALTAZAR DE ZANDUETA, registered owner and petitioner.

NOTICE OF HEARING

To Domingo Viason, Joaquin Baltazar, all of Aringay, La Union, Provincial Government, San Fernando, La Union, and Francisco Zandueta, attorney for the petitioner, 147 Guipit, Sampaloc, Manila.

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26 by Cecilia Baltazar de Zandueta registered owner and petitioner, Aringay, La Union, for the reconstitution of the original certificate of title No. "NA", alleging to have lost the owner's duplicate, while the originals which was kept in the office of the register of deeds of La Union, was lost or destroyed due to operation of the last war. Said parcel of land is situated in the barrio of Sto. Rosario, municipality of Aringay, Province of La Union, and more particularly described and bounded as follows:

A parcel of land (lot No. 5, plan I-978 G.L.R.O. record No. 2821), situated in the barrio of Sto. Rosario, municipality of Aringay, Province of La Union. Bounded on the NE. by the shallow salt water; on the SE., by the shallow salt water and property of Joaquin Baltazar; on the SW., by a beach and the shallow salt water; and on the NW., by the shallow salt water and property of Domingo Viason, containing an area of 257,713 square meters, more or less.

Wherefore, you are hereby given notice that said petition has been set for hearing on August 23, 1951, at 8:30 o'clock in the morning, in the session hall of the Court of First Instance, San Fernando, La Union, at which time, date and place, you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Jose C. Zulueta, judge of the said court, this February 6, 1951.

[2-4]

MIGUEL RILLORAZA
Clerk of Court of La Union

Republic of the Philippines
In the Court of First Instance of La Union
Second Judicial District

Court Case No. 8, G.L.R.O. Cadastral Record No. 253

ADMINISTRATIVE CASE NO. 119-R.—Petition to reconstitute the Certificate of Title No. "NA" covering lot No. 3660 of Aringay Cadastre described on the plan SWO-23723, Cadastral Record No. 253.

NOTICE OF HEARING

To Cecilia M. Baltazar, the municipality of Aringay, Aringay, La Union, Provincial Government, San Fernando, La Union, Francisco Zandueta, Attorney for the petitioner, Cecilia M. Baltazar, 147 Guipit Sampaloc, City of Manila.

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26 by Cecilia M. Baltazar, registered owner and petitioner, Aringay, La Union, for the reconstitution of the original certificate of title No. "NA" alleging to have lost the owner's duplicate, while the original which was kept in the office of the register of deeds of La Union, was lost or destroyed due to operation of the last war. Said parcel of land is situated in the barrio of Sto. Rosario, San Gregorio, municipality of Aringay, Province of La Union, and more particularly described and bounded as follows:

A parcel of land (lot 3660 of the cadastral survey of Aringay, G.L.R.O. cadastral record No. 253), situated in the barrio of Sto. Rosario, municipality of Aringay, Province of La Union. Bounded on the N., by Ayusan Dulao River; on the NE., by Ayusan Dulao River and lot 3194-A of plan SWO-26382; on the SE., by lot 3194-A of plan SWO-26382 and on the SW., and NW., by Dulao River, containing an area of 12,620 square meters, more or less.

Wherefore, you are hereby given notice that said petition has been set for hearing on August 23, 1951, at 8:30 o'clock in the morning in the session hall of the Court of First Instance, San Fernando, La Union, at which time, date and place, you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Jose C. Zulueta, judge of the said court, this February 6, 1951.

MIGUEL RILLORAZA

Clerk of Court of La Union

[2-4]

Republic of the Philippines
In the Court of First Instance of Cotabato
Sixteenth Judicial District

Cadastral Case No. 27, G.L.R.O. Cadastral Record No. 601,
Lot No. 3687

In re: Petition for the reconstitution of the Original Certificate of Title covering Lot No. 3687 in the name of Namal Tua. NAMAL TUA, petitioner.

NOTICE

To Atty. Cornelio B. Deleña, counsel for the petitioner, Cotabato, Cotabato; Nangco Moro, Dagadas Moro, Samal Galad, Golon Namal, and Sacandal Duyong all in Linantañgan, Dulawan, Cotabato; the Municipal Mayor (for the adjoining road) Dulawan, Cotabato; the Register of Deeds, Cotabato, Cotabato; and to all whom it may concern:

Whereas, a petition dated December 28, 1950, has been filed with this court under the provisions of Republic Act No. 26, by Namal Tua of Dulawan, Cotabato, Philippines, for the reconstitution of original certificate of title No. (unknown), issued in the name of Namal Tua by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering a real property (known as lot No. SWO-26794), situated in the barrio of Samana, municipality of Dulawan, Province of Cotabato, and bounded: on the E. by lot No. 3736, Dulawan cadastral; on the S. by road; on the SW., by lot No. 3686, Dulawan cadastral; and on the NW. by lot No. 3688, Dulawan cadastral; with an area of 197,462 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on May 5, 1951, at 8:30 a.m. before this court in its session hall, in the municipality of Cotabato, Province of Cotabato, on which date, time and place you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Juan A. Sarenas, judge of said court, this 16th day of January, 1951.

JUANITO MAPALO

Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Cotabato
Sixteenth Judicial District

Cadastral Case No. 27, G.L.R.O. Cadastral Record No. 601,
Lot No. 1180

In re: Petition for the reconstitution of the Original Certificate of Title covering lot No. 1180 in the name of Silongan Duyong. SILONGAN DUYONG, petitioner.

NOTICE

To Atty. Cornelio B. Deleña, counsel for the petitioner, Cotabato, Cotabato; Sampinit Datu Wata, Dayonday Duyong, Mamintong Amad, Balimbingan Palape, and Sigagao Duyong, all in Libutan, Dulawan, Cotabato; the Register of Deeds, Cotabato, Cotabato; and to all whom it may concern:

Whereas, a petition dated January 5, 1951, has been filed with this court under the provisions of Republic Act No. 26, by Silongan Duyong of Dulawan, Cotabato, Philippines, for the reconstitution of original certificate of Title No. (unknown), issued in the name of Silongan Duyong by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering a real property (known as lot No. 1180 of the cadastral survey of Dulawan, described in Decree No. 548787, situated in the municipality of Dulawan, Province of Cotabato, and bounded on the NE., by lot No. 1501; on the

SE., by lots Nos. 1485 and 1163; on the SW., by lot No. 1438; and on the NW., by lot No. 1179; with an area of 77,044 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on April 7, 1951, at 8:30 a.m. before this court in its session hall, in the municipality of Cotabato, Province of Cotabato, on which date, time and place you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Juan A. Sarenas, judge of said court, this 19th day of January, 1951.

JUANITO MAPALO
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 2, G.L.R.O. Cadastral Record No. 55,
Lots Nos. 282-C and 282-G, Psd-10823, Bacolod cadastre

OLIMPIO DE LA RAMA, petitioner

NOTICE

To heirs of Dalmacio Salon, heirs of Arcadio Filiu, heirs of Juana Filiu, Mr. Benjamin Allic, Mr. Felix Togle, all of Bacolod City, and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Olimpio de la Rama, through his counsel Atty. Rafael P. Guerrero, for the reconstitution of transfer certificates of title Nos. (N.A.), registered in the names of the heirs of Cristeta Filiu and the heirs of Venancia Filiu by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lots Nos. 282-C and 282-G, Psd-10823 of Bacolod cadastre) situated in the City of Bacolod, Province of Negros Occidental, said lots being more particularly described and bounded as follows:

A parcel of land (lot 282-C of the subdivision plan Psd-10823 of the cadastral survey of Bacolod), with all improvements, except those expressly noted as belonging to other persons, situated in the City of Bacolod. Bounded on the N. by private road; on the E. by lot 282-A of the subdivision plan; on the S. by the property of Dalmacio Salon and on the W. by lot 282-E of the subdivision plan; containing an area of 303 square meters, more or less.

A parcel of land (lot No. 282-G of the subdivision plan, Psd-10823 of the cadastral survey of Bacolod), with all improvements, except those expressly noted as belonging to other persons, situated in the City of Bacolod. Bounded on the N. by property of J. Advincula; on the E. by lot 282-F and lot 282-E of the subdivision plan and on the W. by the property of Felix Togle, containing an area of 304

Therefore, you are hereby given notice that said petition has been set for hearing on March 12, 1951, at 8:00 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections, if you have any to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, this 12th day of January, 1951.

JOSE AZCONA
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 13, G.L.R.O. Cadastral Record No. 105,
Lots Nos. 1964 and 1961, Hinigaran cadastre

Petition for reconstitution of Certificate of Title
under the provisions of Republic Act No. 26.
CONCORDIA NATIVIDAD, petitioner.

NOTICE

To Felix Granada, Isabela, Negros Occidental; Basilio Gayares, Jose Samson, of Hinigaran, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Concordia Natividad, for the reconstitution of the originals as well as the owner's duplicates of original certificates of title Nos. 13393 and 13392, registered in the name of the heirs of Leon Natividad by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lots Nos. 1964 and 1961, all of Hinigaran cadastre), situated in the municipality of Hinigaran, Negros Occidental, said lots being more particularly described and bounded as follows:

A parcel of land (lot No. 1964 of the cadastral survey of Hinigaran), with all buildings and improvements, except those herein expressly noted as belonging to other persons, situated in the municipality of Hinigaran. Bounded on the NE. by lots Nos. 1965, 1963 and 1962; on the SE. by lot No. 1962; on the SW. by lots Nos. 1968 and 1899; and on the W. by lot No. 1967 * * *; containing an area of 85,599 square meters, more or less.

A parcel of land (lot No. 1961 of the cadastral survey of Hinigaran), with all buildings and improvements, except those herein expressly noted as belonging to other persons, situated in the municipality of Hinigaran. Bounded on the NE. and SE. by lot No. 1962; and on the SW. and NW. by lot No. 1968 * * *; containing an area of 6,005 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on April 3, 1951,

on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 26th day of January, 1951.

JOSE AZCONA
Clerk of Court

[2, 8]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 35, G.L.R.O. Cadastral Record No. 971,
Lot No. 870, Cauayan cadastre

Petition for reconstitution of a Certificate of Title
under the provisions of Republic Act No. 26.
JACINTO TIONGCO, petitioner.

NOTICE

To Irineo Luminado, Barrio Guilhungan, Cauayan, Negros Occidental; Emiliano Tejada, Illog, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Jacinto Tiongco, through counsel, for the reconstitution of the original as well as the owner's duplicate of original certificate of title No. 30963, registered in the name of the above-named petitioner by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lot No. 870 of Cauayan cadastre), situated in the municipality of Cauayan, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 870 of the cadastral survey of Cauayan), situated in the barrio of Guilhungan, municipality of Cauayan. Bounded on the NE. by lot No. 3017; on the SE. by lots Nos. 871 and 872; on the SW. by lot No. 3024; and on the NW. by lot No. 869 * * *; containing an area of 478,722 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 19, 1951 at 8:00 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 20th day of January, 1951.

JOSE AZCONA
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 32, G.L.R.O. Cadastral Record No. 447,
Lot No. 2388, San Carlos cadastre

Petition for reconstitution of a Certificate of Title
under the provisions of Republic Act No. 26.

NOTICE

To Modesto Castellano, Faustino Castellano, Ciriaco Saldua, Mariano Castellano, and Juan Britanico, all in Lemery, Calatrava, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Ciriaco Saldua of Lemery, Calatrava, Negros Occidental, for the reconstitution of the original as well as the owner's duplicate certificate of title, registered in the names of Paula Castro, Advincula Castro, Regino Castro, Catalino Castro, Ciriaca Castro, Fabian Castro and Faustino Castro by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lot No. 2388 of San Carlos cadastre), situated in the municipality of San Carlos, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 2388 of the cadastral survey of San Carlos), with the improvements existing thereon, situated in the municipality of San Carlos. Bounded on the NE. by lots Nos. 2387 and 2389; on the E. by lot No. 2411; on the SE. by lots Nos. 2395 and 2385; on the SW. by lot No. 2385; and on the NW. by lots Nos. 2386, 2387 and 2389 * * *; containing an area of 40,023 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on April 2, 1951, at 8:00 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 24th day of January, 1951.

JOSE AZCONA
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 10, G.L.R.O. Cadastral Record No. 97,
Lots Nos. 409 and 410, Talisay cadastre

Petition for reconstitution of a Certificate of Title
under the provisions of Republic Act No. 26.
NUMERIANO VILLALVA, petitioner.

NOTICE

To heirs of Esteban de la Rama, Iloilo City, and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Numeriano Villalva, through counsel, for the reconstitution of the originals as well as the owner's duplicate certificates of title, registered in the names of the heirs of Santos Huevos and the heirs of Benedicto Allic, respectively, by the register of deeds of this province, all in Talisay, Iloilo City.

JOSE AZCONA
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 32, G.L.R.O. Cadastral Record No. 447,
Lot No. 2388, San Carlos cadastre

Petition for reconstitution of a Certificate of Title
under the provisions of Republic Act No. 26.

covering real property (known as lots Nos. 409 and 410, all of Talisay cadastre), situated in the municipality of Talisay, Negros Occidental, said lots being more particularly described and bounded as follows:

A parcel of land (lot No. 409 of the cadastral survey of Talisay), with the improvements thereon, situated in the municipality of Talisay. Bounded on the NE. by lot No. 408; on the SE. by lot No. 408 and the Hinuluan River; and on the NW. by lots Nos. 410 and 1230 * * *; containing an area of 6,125 square meters, more or less.

A parcel of land (lot No. 410 of the cadastral survey of Talisay), with the improvements thereon, situated in the municipality of Talisay. Bounded on the SE. by lot No. 409; on the SW. by the Hinuluan River; and on the NW. by lot No. 1230 * * *; containing an area of 538 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 19, 1951 at 8:00 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 20th day of January, 1951.

JOSE AZCONA
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 30, G.L.R.O. Cadastral Record No. 303,
Lot No. 2642, Escalante cadastre

Reconstitution of a Certificate of Title under the
provisions of Republic Act No. 26. CLARITA
TAN DE COSUANGCO, petitioner.

NOTICE

To Potenciano Abranica, Langub, Escalante, Negros Occidental; Bienvenido Caliston, Mabinig, Escalante, Negros Occidental; Pedro Damalino, Libertad, Escalante, Negros Occidental; Hda. Ruskin, Escalante, Negros Occidental; Gil Ohoylen and Robin Morada, of Libertad, Escalante, Negros Occidental; Alejandro Tan, Dabao, Escalante, Negros Occidental; Pelagio Lucero, Libertad, Escalante, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Clarita Tan de Cosuangco, through counsel, for the reconstitution of the original as well as the owner's duplicate of transfer certificate of title No. 30531, registered in the name of Clarita Tan de Cosuangco by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds covering real property (known as

lot No. 2642 of Escalante cadastre), situated in the municipality of Escalante, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 2642 of the cadastral survey of Escalante), with the improvements thereon, situated in the municipality of Escalante. Bounded on the NE. by lots Nos. 2641 and 2301; on the E. and S. by lot No. 2300; on the SE. by lots Nos. 2300 and 2920; on the SW. by lots Nos. 2657, 2908 and 2645; and on the NW. by lots Nos. 2645, 2643 and 2639 * * *; containing an area of 144,143 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 15, 1951 at 8:00 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 19th day of January, 1951.

JOSE AZCONA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 17, G.L.R.O. Cadastral Record No. 163,
Lot No. 541, Kabankalan cadastre

Petition for reconstitution of a Certificate of Title
under the provisions of Republic Act No. 26.
CIRIACO TILO, petitioner.

NOTICE

To Tereza Garin, Kabankalan, Negros Occidental; heirs of Francisco Caponong, Kabankalan, Negros Occidental; Leon Garriel, Kabankalan, Negros Occidental; Felix Vidaurrazaga et al., Kabankalan, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Ciriaco Tilo, through counsel, for the reconstitution of the original as well as the owner's duplicate of original certificate of title No. 21578, registered in the names of Isidro Perez, Concepcion Perez, Pilar Perez, Vicente Perez, Josefina Perez, Carmen Perez and Maria Perez by the register of deeds of this province, alleged to have been lost in the office of said register of deeds, covering real property (known as lot No. 541 of Kabankalan cadastre), situated in the municipality of Kabankalan, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 541 of the cadastral survey of Kabankalan), with the improvements thereon, situated in the municipality of Kabankalan. Bounded on the SE. by lot No. 808; on the S. by lot No. 285; on the W. by lot No. 524; and on the

NW. by lots Nos. 534, 538, 540 and 542 * * *; containing an area of 45,609 square meters, more or less.

Therefore, you are hereby given that said petition has been set for hearing on April 2, 1951, at 8:00 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 24th day of January, 1951.

JOSE AZCONA
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 14, G.L.R.O. Cadastral Record No. 117,
Lots Nos. 273 and 274, Pontevedra cadastre

LORETO MONGCAL, petitioner

NOTICE

To Pedro Soliguen, Pontevedra, Negros Occidental; heirs of Bartolome Gelsanao, Luis Dojillo, and Anselmo Geoling, all in Pontevedra, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Loreto Mongcal of Pontevedra, Negros Occidental, for the reconstitution of the original as well as the owner's duplicate of original certificate of title No. 15541, registered in the name of the heirs of Basilia Geolingo by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lots Nos. 273 and 274 of Pontevedra cadastre), situated in the municipality of Pontevedra, Negros Occidental, said lots being more particularly described and bounded as follows:

A parcel of land (lot No. 273 of the cadastral survey of Pontevedra), with the improvements thereon, situated in the municipality of Pontevedra. Bounded on the NE. by lot No. 271; on the SE. by the municipal road; on the SW. by lot No. 275; and on the NW. by the Guimaras Strait * * *; containing an area of 190 square meters, more or less.

A parcel of land (lot No. 274 of the cadastral survey of Pontevedra), with the improvements thereon, situated in the municipality of Pontevedra. Bounded on the NE. by lots Nos. 272 and 270; on the SE. by lot No. 277; on the SW. by lot No. 276; and on the NW. by the municipal road * * *; containing an area of 5,512 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 15, 1951,

at 8:00 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 19th day of January, 1951.

[2, 3]

JOSE AZCONA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 1, G.L.R.O. Cadastral Record No. 25,
Lot No. 217, Valladolid cadastre

Petition for reconstitution of a Certificate of Title
under the provisions of Republic Act No. 26.
MAURICIO VERGARA, petitioner.

NOTICE

To Alipio Ikalina, and Timoteo Mejorada, Valladolid, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Mauricio Vergara of Valladolid, Negros Occidental, for the reconstitution of the original as well as the owner's duplicate of original certificate of title No. 1589, registered in the names of the conjugal partnership of the spouses, Angel Gervasio and Dominga Seraspe, by the register of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property known as lot No. 217 of Valladolid cadastre, situated in the municipality of Valladolid, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 217 of the cadastral survey of Valladolid), with the improvements thereon, situated in the municipality of Valladolid. Bounded on the NE. by Calle Rizal; on the SE. by property of Rustica Javia et al., (lot No. 218); on the SW. by property of Alipio Ikalina et al., (lot No. 219); and on the NW. by property of Luis Corral et al., (lot No. 216) * * *; containing an area of 1,605 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on April 3, 1951, at 8:30 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 29th day of January, 1951.

[2, 3]

JOSE AZCONA
Clerk of Court

Republic of the Philippines

In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 21, G.L.R.O. Cadastral Record No. 171,
Lot No. 2058, Ilog cadastre

*Petition for reconstitution of a Certificate of Title
under the provisions of Republic Act No. 26.*
TOMAS TACOLOD, petitioner.

NOTICE

To Heirs of Roman Gestofano, Salvador Palacios,
and Tomas Tacolod, all in Ilog, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Tomas Tacolod, through counsel, for the reconstitution of the original as well as the owner's duplicate of original certificate of title No. 28894, registered in the names of Agaton Gestofano, Marcela Gayorgor, Francisco Gayorgor, Florentino Gayorgor, Maxima Gestofano, Lucia Gedorio, Anastacia Gedorio and Alfredo Gedorio by the register of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lot No. 2058 of Ilog cadastre), situated in the municipality of Ilog, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 2058 of the cadastral survey of Ilog), with the improvements thereon, situated in the municipality of Ilog. Bounded on the NE. by lots Nos. 2053 and 1691; on the SE. by lots Nos. 2057 and 1692; and on the SW. and NW. by lot No. 1692 * * *; containing an area of 56,221 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on March 21, 1951 at 8:00 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 23rd of January, 1951.

JOSE AZCONA
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Laguna
Eighth Judicial District

Case G.L.R.O. Record No. 8374, Lot No. 1519,
Biñan cadastre

*Reconstitution of Transfer Certificate of Title No.
(N. A.). NICOLAS CAPILI, registered owner and
petitioner.*

NOTICE

To the Register of deeds, District Engineer, Santa Cruz, Laguna; Epifanio Tenido, Matea Alemia and Santos Felipe, all in Biñan, Laguna; and

Whereas, a petition has been filed in this court under the provisions of Republic Act No. 26 by the above-named petitioner, for the reconstitution of transfer certificate of title No. (R. A.) issued in the name of Saturnino Capili; that owner's duplicate copy of said title had been either lost or destroyed during the last war, as well as the original on file in the office of the register of deeds, covering a parcel of land, more particularly described and bounded as follows:

A parcel of land (lot No. 1519, Biñan Estate, G.L.R.O. Record No. 8374, situated in the municipality of Biñan, Province of Laguna. Bounded on the NE. by the Barrio road; on the SE. by lot No. 1520 (property of Epifanio Tenido); on the SW. by lot No. 1521 (property of Mrs. Mateo Clomia); and on the NW. by lot No. 1516 (property of Santos Felipe). Containing an area of 380 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on July 24, 1951 at 8:30 a.m., before the first branch of this court in Santa Cruz, Laguna, on which date, time and place, you should appear to file your claims or objections, if any you have, to the petition.

Witness the Hon. Nicasio Yatco, judge of said court, this 6th day of January, 1951 at Santa Cruz, Laguna.

CECILIO M. BITUIN
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Capiz
Eleventh Judicial District

Cadastral Case No. 25. G.L.R.O. Record No. 709, Lots Nos. 145, 149, 1941 and 2041, cadastral survey of Panitan, Capiz.

FILEMON DIAZ and MARIA DAYANG, petitioners

NOTICE

Mr. Filemon Diaz and Maria Dayang, petitioners and to all appearing to have an interest in the properties, the occupants of said properties, the adjoining owners and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Atty. Antonio J. Beldia in representation of the spouses Filemon Diaz and Maria Dayang, petitioners, for the reconstitution of four lots Nos. 146, 149, 1941 and 2041, covered by original certificate of title No. 1973, issued by the register of deeds of Capiz, in the name of the deceased spouses Esteban Alvarez and Agustina Alba, as conyugal properties, alleged to have been lost or destroyed in the office of the register of deeds, as well as the owner's duplicate certificate of title, during the last war, situated in the barrio of Tabuk, municipality of Panitan, Capiz, described as follows:

Lot No. 145.—Bounded on the NE. and NW., by

on the NW., by lot No. 144. Containing an area of 2,789 square meters.

Lot No. 149.—Bounded on the NE., by lots Nos. 134 and 143; on the SE., by lots Nos. 143 and 148; and on the NW., by lot No. 150. Containing an area of 2,558 square meters.

Lot No. 1941.—Bounded on the N., by the provincial road and lot No. 1942; on the E., by lot No. 1942 and Danao Pond; on the SE., by Danao Pond and lot No. 1950; on the SW., by lot No. 114 and on the NW., by lot No. 113. Containing an area of 15,062 square meters.

Lot No. 2041.—Bounded on the NE., by lot No. 2040 and 2042; on the SE., by Panay River, and on the W. and NW., by lot No. 160. Containing an area of 20,582 square meters.

Therefore, you are hereby given notice that said petition has been set for hearing on June 18, 1951, at 8:00 a.m., at the hall of this court, in which date, time and place, you should appear and file your claim or objections, if any, to the petition.

Witness the Hon. Fernando Hernandez, judge of this court, this 25th day of January, 1951.

VICENTE IGNACIO
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Nueva Vizcaya
First Judicial District

CASE No. 93.—Petition for the reconstitution of the original and owner's duplicate of Certificate of Title No. R-427. MARTIN PRADO, petitioner.

NOTICE

To the Chief, General Land Registration Office, Manila; Hilario Soriano, Clemente Badua, both of Ineañgan, Dupax, Nueva Vizcaya; Atty. Hilario B. Guiab, Bayombong, Nueva Vizcaya.

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26 by Martin Prado of Ineañgan, Dupax, Nueva Vizcaya, for the reconstitution of the original and owner's duplicate of certificate of title No. R-427 in the name of Celestino Corpus, now deceased, covering a real property situated in the barrio of Ineañgan, Dupax, Nueva Vizcaya, alleged to have been lost in the office of the register of deeds and bounded on the NE. by Martin Prado; on the east, by creek; on the south, by property of Hilario Soriano; and on the west, by property of Clemente Badua, with an area of one hectare, seventy-eight ares and eighty-three centares, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on June 30, 1951, at 8 o'clock in the morning, before this court, at Bayombong, Nueva Vizcaya, on which date, time and place you should appear and file your objections or claims, if you have any to said petition.

Witness the Hon. Jose R. de Venecia, judge of said court, this 24th day of January, 1951, at Bayombong, Nueva Vizcaya.

[2, 3]

MIGUEL M. GUEVARA
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Cebu
Fourteenth Judicial District

Cadastral Case No. 12, G.L.R.O. Record No. 9468,
Lot No. 6185

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, petitioner, *versus* FRANCISCO ABADINAS ET AL., claimants.

NOTICE

To Mariano Risologo, Cerilo Labra, Antonino Labra, Gabino Rama, Jose Labiste, all of Guadalupe, Cebu City, and to all whom this may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Eulalia Labiste et al., through Atty. N. G. Estenzo, praying for the reconstitution of the transfer certificate of title in the names of Eulalia, Nicolasa, Juan, Gervasio, Andres and Gregorio, and Sinforeso, all surnamed Labiste by the register of deeds of this province, alleged to have been lost or destroyed in the said office of the register of deeds during the last war, covering real property known as lot No. 6185 of the cadastral survey of Cebu, situated at Guadalupe, Cebu City, bounded and described as follows: N., Mariano Risologo and Cerilo Labra; E., Antonio Labra; S., Gabino Rama; and W., Jose Labiste. Containing an area of 1874 square meters, more or less.

Wherefore, you are hereby given notice that the hearing of the petition has been set on April 21, 1951 at 8 o'clock in the morning before the third branch of this court at the provincial capitol building of Cebu, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Florentino Saguin, judge of said court, this 22nd day of January, 1951.

[2, 3]

EUGENIO RODIL
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Sulu
Sixteenth Judicial District

Special Proceedings No. 14, G.L.R.O. Cadastral Record No. 812

Petition for reconstitution of Transfer Certificate of Titles Nos. (N. A.) Lots Nos. 282, 1016, 752, 1396, 1069 and 801. BULUAN RANCHE COMPANY, petitioner.

NOTICE

To Buluan Ranche Company, Cagayan de Sulu and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Buluan Ranche Company, for reconstitution of transfer certificate of title No. (N.A) issued in the name of Buluan Ranche Company, Cagayan de Sulu, by the register of deeds of this province, alleged to have lost or destroyed in the Office of said register of deeds, covering a real property situated in the barrios Umus Mataha, Mahalu and Duhol Bato respectively, municipal district of Cagayan de Sulu, Philippines, which boundaries and areas of the above-mentioned properties are as follows:

Lot No. 282.—Location: Umus Mataha, Cagayan de Sulu; Area: 793,030 square meters, more or less; Boundaries: on the N. by Sulu Sea, lots 1320, 1321, 1322 and 1388; on the E. by lots 969, 970, 1053, 1319, 962, 1387, 1322, 837, 956, 941 and 940; on the S. by lots 940 and 1016; on the W. by lots 933, 923, 932, and 866 of Cagayan de Sulu cadastral survey.

Lot No. 1016.—Location: Umus Mataha, Cagayan de Sulu; Area: 1,837,639 square meters, more or less; Boundaries: on the N. by lots 282 and 840; on the NE., by lots 940, 939, 984, 934, 643, 644, 646, 650, 651, 652, 653 and 655; on the E. by lots 656, 642 and 639; on the SE., by lots 934, 643, 642, 639, 1385 and 634; on the SW., by lots 669, 642, 635, 622, 632, 631, 931, 920 and 933; on the NW., by lots 646, 648, 649, and 650; of Cagayan de Sulu cadastral survey.

Lot No. 752.—Location: Mahalu, Cagayan de Sulu; Area: 2,880 square meters, more or less; Boundaries: on the NE., by provincial road; on the SE. by lot 737; on the SW., by lot 740; on the NW., by lot 751, provincial road and lot 1333 of Cagayan de Sulu cadastral survey.

Lot No. 1396.—Location: Mahalu, Cagayan de Sulu; Area: 268 square meters, more or less; Boundaries: on the NE., by lot 736; on the SE., by provincial road and on the SW., by lot 1397 of Cagayan cadastral survey.

Lot No. 1069.—Location: Mahalu and Duhol Bato, Cagayan de Sulu; Area: 706,090 square meters, more or less; Boundaries: on the N., by lots 1265, 1394, 1071, 1075 and 1393; on the E., by lots 1075, Sulu Sea, lots 1074, 804, 825 and 1073; and on the W., by lots 1073, 1183, 1265 and 1394 of Cagayan de Sulu cadastral survey.

Lot No. 801.—Location: Mahalu, Cagayan de Sulu; Area: 198 square meters, more or less; Boundaries: on the NE., SE., SW., and NW., by Sulu Sea of the Cagayan de Sulu cadastral survey.

Therefore, you are hereby given notice that said petition has been set for hearing on October 13, 1951, at 9 o'clock in the morning, before this court, at Jolo, Sulu, Philippines, on which date, time and place you should appear and file your objection, if any you may have to the petition.

Witness the Hon. Pablo Villalobos, judge of said court, this 17th day of January, 1951.

[2, 3]

EMILIANO S. PATRON
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Sulu
Sixteenth Judicial District

Special Proceedings No. 15, G.L.R.O. No. 812, Lot No. 679
Petition for reconstitution of Transfer Certificate of Title No. 761. BULUAN RANCHE COMPANY, petitioner.

NOTICE

To Buluan Ranche Company Cagayan de Sulu and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Buluan Ranche Company, for reconstitution of transfer certificate of title No. 761 issued in the name of Buluan Ranche Company, Cagayan de Sulu, by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering a real property situated in the barrios of Umus Mataha and Mahalo, municipal district of Cagayan de Sulu, Philippines, which boundaries and area of the above-mentioned properties are as follows:

Lot No. 679.—Location: Barrios Umus Mataha and Mahalo, Cagayan de Sulu; Area: 768,938 square meters, more or less; Boundaries: on the NE., by lots 1183; on the SE., by lots 803 and 802; on the SW., by lots 1067, 425 and 424 and on the NW., by lots 677, 676 and 1034 of Cagayan de Sulu cadastral survey.

Therefore, you are hereby given notice that said petition has been set for hearing on October 13, 1951, at 9 o'clock in the morning, before this court, at Jolo, Sulu, Philippines, on which date, time and place you should appear and file your claim or objection, if any you may have to the petition.

Witness the Hon. Pablo Villalobos, judge of said court, this 17th day of January, 1951.

[2, 3]

EMILIANO S. PATRON
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Masbate
Tenth Judicial District

G.L.R.O. Special Proceedings Record No. 51

CASE No. 4.—*In re: Application for the reconstitution of a Certificate of Title.* BUENAVENTURA SAMSON, petitioner.

NOTICE

To Buenaventura Samson, Natalio Atapay, Pantaleon Arizala and the Municipal Mayor of Cataiñgan, Masbate, all residents of Alegria,

Catañgan, Masbate, and Atty. Jose L. Almario, Masbate, Masbate, and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by counsel of the above-named petitioner, for the reconstitution of original of the certificate of title No. 634 issued in the name of Buenaventura Samson by the register of deeds of this province, the said certificate of title was alleged to have been burned and destroyed when the courthouse where the office of the register of deeds was located was also destroyed and burned as a result of the last war in this province, covering a parcel of land, more particularly described and bounded as follows:

A parcel of land (as shown on plan H-77961), situated in the barrio of Alegria, municipality of Catañgan, Province of Masbate, Island of Masbate. Bounded on the NE. by property of Natalio Atapay, public land and property of Buenaventura Samson; on the E., by property of Buenaventura Samson; on the S., by property of Pantaleon Arizala and Kabankalan Creek; on the SW., and W., by Kabankalan Creek; and on the NW., by Kabankalan Creek and property of Natalio Atapay. Beginning at a point marked 1 on plan, being N. $24^{\circ} 26' W.$, 2,497.18 meters from B.L.B.M. 1, barrio of Alegria, municipality of Catañgan, Masbate, thence N. $55^{\circ} 02' E.$, 90.46 meters to point 2; thence S. $45^{\circ} 50' E.$, 42.00 meters to point 3; thence N. $57^{\circ} 27' E.$, 89.58 meters to point 4; thence S. $34^{\circ} 29' E.$, 332.95 meters to point 5; thence S. $13^{\circ} 46' E.$, 97.06 meters to point 6; thence S. $11^{\circ} 56' W.$, 166.62 meters to point 7; thence S. $8^{\circ} 21' W.$, 63.05 meters to point 8; thence S. $82^{\circ} 23' W.$, 103.99 meters to point 9; thence N. $88^{\circ} 35' W.$, 104.87 meters to point 10; thence N. $39^{\circ} 05' W.$, 36.24 meters to point 11; thence N. $46^{\circ} 28' W.$, 97.80 meters to point 12; thence S. $79^{\circ} 45' W.$, 56.52 meters to point 13; thence N. $64^{\circ} 39' W.$, 93.29 meters to point 14; thence N. $9^{\circ} 35' W.$, 97.60 meters to point 15; thence N. $21^{\circ} 27' W.$, 34.86 meters to point 16; thence N. $66^{\circ} 38' W.$, 37.04 meters to point 17; thence N. $17^{\circ} 41' W.$, 82.74 meters to point 18; thence N. $48^{\circ} 33' E.$, 58.77 meters to point 19; thence N. $1^{\circ} 31' E.$, 78.25 meters to point 20; thence N. $74^{\circ} 45' E.$, 100.71 meters to point 21; thence $41^{\circ} 17' E.$, 58.29 meters to the point of beginning; containing an area of 233.519 square meters, more or less. All points referred to are indicated on the plan and are marked on the ground as follows: point 1 by B.L. marked on stone; points 2 and 3, by B.L. concrete monuments; point 4, by B.L. marked on boulder; point 5, by old G.I.S., on trees; points 6, 7 and 8, by old B.L. concrete monuments; points 9, 10, 14, 15, 16, 18 and 21, the tacks on crosses on blazed trees; and points 11, 12, 13, 17, 19 and 20, by corners on bank; bearing true declination $1^{\circ} 28' E.$, date of survey, June 25, 1939 and that of the approval, October 16, 1939.

Therefore, you are hereby given notice that said petition has been set for hearing on April 16, 1951, at 8:30 a.m. before this court in Masbate, Masbate, on which date, time and place you should appear to file your claims or objections, if any you have, to the petition.

Witness the Hon. Pascual Santos, judge of said court, this 24th day of January, 1951.

LINO BAJAR
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Masbate
Tenth Judicial District

G.L.R.O. Special Proceedings Record No. 52

LAND REGISTRATION CASE NO. 7.—*In re: Application for the reconstitution of a Certificate of Title.*
DOMINGO MAGBALON, petitioner.

NOTICE

To Leonardo Clores, Catalino Clores, Rosendo Capillan, Agapito Clores, residents of the Municipality of Uson, Masbate; Municipal Mayor of Uson, Masbate; and Atty. Jose L. Almario, Masbate, Masbate, and to all whom it may concern:

Whereas, a petition has been filed in this court under the provisions of Republic Act No. 26, by counsel of the above-named petitioner for the reconstitution of a certificate of title homestead patent No. 58777, issued on February 8, 1940, in the name of the petitioner by the register of deeds of this province, the duplicate of said certificate of title was alleged to have been lost during the Japanese occupation and that the original thereof which was kept in the office of the register of deeds was totally destroyed when the courthouse building where the office of the said register of deeds was located was burned during the last war in this province, covering a parcel of land, more particularly bounded and described as follows:

A parcel of land (as shown on plan H-60496, G.L.R.O. Record No. ———) SWO-25723, situated in the barrio of Calpi, municipality of Dimasalang, Province of Masbate. Bounded on the NE., by Calpi Creek 10 meters wide; on the SE., by Calpi Creek 10 meters wide, center of creek (no name) and properties of Catalino Clores, Rosendo Capillan and Agapito Clores; on the SW., by properties of Agapito Clores and Leonardo Clores; and on the NW., by property of Leonardo Clores and center of creek (no name). Beginning at a point marked 1 on plan, being S. $72^{\circ} 50' E.$, 4,426 meters from B.L.B.M. 1, barrio of Uson, municipality of Dimasalang; thence N. $29^{\circ} 37' E.$, 10.10 meters to point 2; thence N. $81^{\circ} 22' E.$, 63.83 meters to point 3; thence N. $58^{\circ} 01' E.$, 56.74 meters to point 4; thence N. $72^{\circ} 59' E.$, 34.90 meters to point 5; thence S. $89^{\circ} 59' E.$, 57.73 meters to

point 6; thence N. $74^{\circ} 25'$ E., 30.04 meters to point 7; thence S. $5^{\circ} 04'$ W., 4.20 meters to point 8; thence S. $33^{\circ} 00'$ E., 33.83 meters to point 9; thence S. $59^{\circ} 37'$ E., 46.87 meters to point 10; thence N. $84^{\circ} 29'$ E., 73.74 meters to point 11; thence S. $63^{\circ} 20'$ E., 24.41 meters to point 12; thence S. $19^{\circ} 19'$ E., 25.18 meters to point 13; thence S. $78^{\circ} 30'$ W., 56.89 meters to point 14; thence S. $39^{\circ} 02'$ W., 15.58 meters to point 15; thence S. $39^{\circ} 05'$ E., 69.58 meters to point 16; thence S. $53^{\circ} 35'$ W., 166.62 meters to point 17; thence S. $48^{\circ} 09'$ W., 19.64 meters to point 18; thence S. $48^{\circ} 26'$ W., 127.04 meters to point 19; thence N. $26^{\circ} 28'$ W., 139.74 meters to point 20; thence S. $68^{\circ} 43'$ W., 57.38 meters to point 21; thence N. $6^{\circ} 44'$ W., 52.80 meters to point 22; thence N. $24^{\circ} 56'$ W., 32.89 meters to point 23; thence N. $29^{\circ} 00'$ W., 56.22 meters to point 24; thence N. $44^{\circ} 36'$ W., 84.49 meters to point 25; thence N. $38^{\circ} 28'$ E., 14.50 meters to point 26; thence S. $78^{\circ} 35'$ E., 82.13 meters to point of beginning; containing an area of 87,738 square meters, more or less. All points referred to are indicated on the plan and are marked on the ground as follows: points 1 and 21 by B.L. concrete monuments, points 4, 6 and 7 by points center of creek, points 9, 10 and 11 by stakes, points 12, 13, 14 and 15 by crosses on trees, points 16, 18, and 20 by old B.L. concrete monuments, point 17 by old stake and the rest by crosses on blazed on trees; bearings true; declination $1^{\circ} 14'$ E., date of survey, September 14, 1939 and that of the approval, January 4, 1940.

Therefore, you are hereby given notice that said petition has been set for hearing on April 17, 1951, at 8:30 a.m., before this court in Masbate, Masbate, on which date, time and place you should appear to file your claims or objections, if any you have, to the petition.

Witness the Hon. Pascual Santos, judge of said court, this 24th day of January, 1951.

LINO BAJAR
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Masbate
Tenth Judicial District

G.L.R.O. Special Proceedings Record No. 53

CASE No. 6.—*In re: Petition for reconstitution of a Certificate of Title. ANTONIO ACUESTA, petitioner.*

NOTICE

To Luis Añonuevo, Venancio Cuyos, residing at Daraga, Placer, Masbate; Emilia L. de Acuesta, residing at the Poblacion of Cataiñgan, Masbate; Praxidio Inocencio, residing at Placer, Masbate; Municipal Mayor of Placer, Masbate; Atty. Jose L. Almario, Masbate, Masbate; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by counsel of the above-named petitioner, for the reconstitution of homestead certificate of title patent No. 68139 issued by the register of deeds of this province in the name of Antonio Acuesta, the herein petitioner, and the duplicate of said certificate of title was alleged to have been lost and destroyed during the Japanese occupation when the house of the petitioner was burned, and that its original on file in the office of the register of deeds for this province was also lost and destroyed on account of the last war, covering a parcel of land, more particularly described and bounded as follows:

A parcel of land (plan H-160354, G.L.R.O. record No. _____), situated in the barrio of Daraga, municipality of Cataiñgan, Province of Masbate. Bounded on the N., by property of Luis Añonuevo, dry creek (4 meters wide) and public land; on the NE., by property of Pravidio Inocencio; on the E., SE., by small creek (no name 3 meters wide); on the SW., and NW., by Creek (no name 6-7 meters wide); and dry creek (4 meters wide) and on the W., by dry creek (4 meters wide). Beginning at a point marked 1 on plan, being [N. $35^{\circ} 34'$ E., 1834 meters from B.L.B.M. No. 2 barrio of Daraga, municipality of Cataiñgan; thence N. $74^{\circ} 14'$ E., 346.83 meters to point 2; thence S. $7^{\circ} 43'$ E., 135.51 meters to point 3; thence S. $25^{\circ} 56'$ W., 126.86 meters to point 4; thence S. $67^{\circ} 18'$ W., 18.99 meters to point 5; thence S. $29^{\circ} 15'$ E., 15.43 meters to point 6; thence S. $43^{\circ} 45'$ W., 50.42 meters to point 7; thence S. $53^{\circ} 00'$ W., 87.12 meters to point 8; thence S. $73^{\circ} 41'$ W., 16.09 meters to point 9; thence S. $28^{\circ} 57'$ W., 24.91 meters to point 10; thence S. $59^{\circ} 29'$ W., 158.09 meters to point 11; thence S. $43^{\circ} 32'$ W., 52.43 meters to point 12; thence N. $47^{\circ} 28'$ W., 136.53 meters to point 13; thence N. $72^{\circ} 42'$ W., 37.61 meters to point 14; thence N. $73^{\circ} 43'$ W., 37.29 meters to point 15; thence N. $62^{\circ} 59'$ E., 25.11 meters to point 16; thence N. $51^{\circ} 32'$ W., 68.82 meters to point 17; thence N. $18^{\circ} 55'$ W., 206.32 meters to point 18; thence N. $81^{\circ} 00'$ E., 129.94 meters to point 19; thence N. $36^{\circ} 21'$ E., 25.81 meters to point 20; thence N. $17^{\circ} 08'$ W., 30.91 meters to point 21; thence N. $8^{\circ} 59'$ E., 115.86 meters to point 22; thence N. $28^{\circ} 41'$ E., 53.02 meters to point 23; thence S. $85^{\circ} 53'$ E., 110.33 meters to the point of beginning containing an area of 239,011 square meters, more or less. All points referred to are indicated on the plan and are marked on the ground as follows: points 1 and 2 by B.L. marked on stones, points 3 and 12 by G.L.S. on trees, point 23 by cross on stone and the rest by points on Bank of Creek; bearings true; declination $1^{\circ} 20'$ E., date of survey, March 12, 1937.

Therefore, you are hereby given notice that said petition has been set for hearing on April 18, 1951, at 8:30 a.m., before this court in Masbate, Masbate,

on which date, time and place you should appear to file your claims or objections, if any you have, to the petition.

Witness the Hon. Pascual Santos, judge of said court, this 24th day of January, 1951.

LINO BAJAR
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Masbate
Tenth Judicial District

G.L.R.O. Record No. 761

CASE No. 8.—*In re: Petition for the reconstitution of the lost Certificate of Title No. 113 in the name of GREGORIO ACUESTA, original registered owner. GREGORIO A. ESCARCHA, petitioner.*

NOTICE

To Gregorio A. Escarcha, Glicerio Bocado, Ceferina Acuesta, Severino Arellano, Daniel Señoron, the Heirs of Rosendo Clavesilla, Leon Villar, all residents of Limbujan, Cataingan, the Municipal Mayor of Cataingan, Masbate, and Vicente Tamayo, residing at Poblacion, Cataingan, Masbate, and to Atty. Jose L. Almario, Masbate, Masbate, and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by counsel of the above-named petitioner, for the reconstitution of original transfer certificate of title No. 5 (0-113 S) issued in the name of Don Gregorio Acuesta by the register of deeds of this province, the said transfer certificate of title was alleged to have been burned and destroyed when the court house was also destroyed and burned as a result of the last war in this province, covering a parcel of land, more particularly described and bounded as follows:

Un terreno, con todas las mejoras existentes en el mismo, situado en el barrio de Limbujan, municipio de Cataingan, Linda por el NE. con el mar; por el SE. con propiedades de Vicente Tamayo y Leon Villar; por el SO. con terreno publicos; y por el NO. con el rio Limbujan y con terreno publicos. Partiendo de un punto marcado "1" en el plano, cuyo punto se halla al S. 22° 38' E. by doscientos treinta y nueve metros con ochenta centimetros (239.80) del B.L.B.M. No. 1, Limbujan; y desde dicho punto "1" S. 52° 32' E., doscientos ocho metros con cuarenta centimetros (208.40) al punto "2" desde este punto S. 40° 09' E. noventa y seis metros con noventa centimetros (96.90) al punto "3"; desde este punto S. 25° 50' E., ciento cincuenta y cuatro metros (154) al punto "4"; desde este punto S. 18° 13' E., ciento doce metros (112) al punto "5"; desde este punto S. 87° 42' O., sesenta y cuatro metros con ochenta centimetros (64.80) al punto "6"; desde este punto S. 37° 29' O., ochenta y dos metros con setenta centimetros (82.70) al

punto "7"; desde este punto S. 81° 23' O. ciento veintinueve metros con cincuenta centimetros (129.50) al punto "8"; desde este punto N. 29° 33' O., quinientos cuarenta y seis metros con noventa centimetros (546.90) al punto "8-a"; desde este punto N. 74° 34' E., dieciseis metros con setenta centimetros (16.70) al punto "13"; desde este punto S. 83° 34' E., veintiun metros con cuarenta centimetros (21.40) al punto "14"; desde este punto S. 61° 53' E., al cuarenta y siete metros con setenta centimetros (47.70) al punto "15"; desde este punto N. 72° 11' E., ciento ocho metros con cincuenta centimetros (108.50) al punto de partida; mediendo una extension superficial de ciento cuarenta y un mil seis cientos noventa y nueve metros cuadrados mas o menos (141,699). Todos los puntos nombrados se hallan marcados en el plano y sobre el terreno al punto "1" esta determinado por un mojon de concreto del P.L.L. B.L. de 18 por 18 x 65 centimetros, los puntos "1" al "5" se hallan en la playa del mar, el punto "6" en el centro de un estero y los puntos "8-a" al "15" se encuentran en la orilla del Rio Limbujan; la orientacion seguida es la verdadera, siendo la declinacion magnetica de 1° 36' E. y la fecha de la medicion 22 y 23 de Febrero de 1911.

Therefore, you are hereby given notice that said petition has been set for hearing on April 19, 1951, at 8:30 a.m. before this Court in Masbate, Masbate, on which date, time and place you should appear to file your claims or objections, if any you have, to the petition.

Witness the Hon. Pascual Santos, judge of said court, this 24th day of January, 1951.

[2, 3]

LINO BAJAR
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Manila
Fourth Branch

G.L.R.O. Cadastral Record No. 327

Reconstitution of the originals and owner's duplicates of Transfer Certificates of Title Nos. 66454 and 66455. ROSALIA ABUIG, petitioner.

NOTICE OF HEARING

To the Honorable Solicitor General of the Philippines, Manila; the Register of Deeds, Manila; Atty. Prudencio de Guzman, in representation of the petitioner Rosalia Abuig, R-201 Yorktown Bldg., 420 Rizal Ave., Manila; Alfredo Inonog, % Office of the President of the Municipal Board, City Hall, Manila; and Francisca Reyes Constantino whose address is unknown, and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Rosalia Abuig, through the Atty. Prudencio de Guzman praying for the reconstitution of the originals

title Nos. 66454 and 66455 covering lots Nos. 5 and 4, sub-block No. 8 of the sub-division plan. Psd-5275, part of lot No. 3, block No. 3058 of the cadastral survey of the City of Manila, respectively, basing upon all the available data on transfer certificates of title Nos. 53694 and 53695 of the Manila registry, and other documents related thereto found in said Office, alleging among other things that the originals of said transfer certificates of title Nos. 66454 and 66455 do not appear among the salvaged records of the register of deeds of Manila, as per certification, marked Annex C; that said certificates of title superseded and cancelled transfer certificates of title Nos. 53694 and 53695 issued in the name of Alfredo Inonog, as per Annexes A and B; and that the owner's duplicates issued in the name of the herein petitioner were lost or destroyed when the Law Office of the Atty. Prudencio de Guzman, located at the Goldenberg Building, Dasmariñas, City of Manila, was completely burned on October 15, 1947. Said real properties are more particularly bounded and described as follows:

Transfer Certificate of Title No. 53694

"Un terreno (lote No. 5, sub-block No. 8 del plano de subdivisión Psd-5275, parte del lote No. 3, block No. 3058 de la medición catastral de la Ciudad de Manila, G.L.R.O. cadastral record No. 327), situado en el Distrito de Santa Ana, Ciudad de Manila. Linda por el NE. con el lote No. 14, sub-block No. 8 del plano de subdivisión; por el SE. con el lote No. 4, sub-block No. 8 del plano de subdivisión; por el SO. con la calle No. 17 del plano de subdivisión; y por el NO. con el lote No. 6, sub-block No. 8 del plano de subdivisión. * * * midiendo una extensión superficial de doscientos diez metros cuadrados con veinte decímetros cuadrados (210.20), mas o menos. * * *."

Transfer Certificate of Title No. 53695

"Un terreno (lote No. 4, sub-block No. 8 del plano de subdivisión Psd-5275, parte del lote No. 3, block No. 3058 de la medición catastral de la Ciudad de Manila, G.L.R.O. cadastral record No. 327), situado en el Distrito de Santa Ana, Ciudad de Manila. Linda por el NE. con el lote No. 13, sub-block No. 8 del plano de subdivisión; por el SE. con el lote No. 3, sub-block No. 8 del plano de subdivisión; por el SO. con la calle No. 17 del plano de subdivisión; y por el NO. con el lote No. 6, sub-block No. 8 del plano de subdivisión, * * * midiendo una extensión superficial de doscientos diez metros cuadrados con veinte decímetros cuadrados (210.20), mas o menos. * * *."

Therefore, you are hereby given notice that said petition has been set for hearing on Saturday, May 5, 1951, at 8:30 a.m., before the fourth branch of this court, located in the Department of Justice Building, Aduana St., Intramuros, City of Manila, on which date, time and place you should appear and file your claims or objections, if any you have, to all claims or objections, if any you have, to all appear-

Witness the Hon. Ramon R. San Jose, judge of said court, on this 19th day of December, 1950.

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[2, 3]

By: P. MANALO
Deputy Clerk of Court

Republic of the Philippines
In the Court of First Instance of Zamboanga
Sixteenth Judicial District
Dipolog

Cadastral Case No. 8, G.L.R.O. Rec. No. 769, Lot No. 3782
THE GOVERNMENT OF THE PHILIPPINES, petitioner,
versus IRINEO ABITONA ET AL., claimants

To Roman Corong, Isis, Dipolog, Zamboanga, Severino Ortega, % P. Ortega, Dipolog, Zamboanga, Antipas Joronda, Ilaya, Dapitan, Zamboanga; P. Ortega and brothers, Dipolog, Zamboanga, and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Paciano Ortega praying for the reconstitution of original certificate of title No. 13,496 in the name of Paciano Ortega and Josefa Velasco by the register of deeds of the Province of Zamboanga, alleged to have been lost and/or destroyed during the last war, covering real property, situated in the municipality of Dipolog, Province of Zamboanga, said land being more particularly described and bounded as follows: Northwest, Nipaan River; southeast, lots Nos. 3788 (Maria Jarmín and Rosenda Laclac); 4473 (Eugenio Jarmín); and Nipaan River; south, barrio Road; and northwest, lots Nos. 3781 (public land) 3778 (public land) 3784 (Paciano Ortega et al.). Containing an area of 139,623 square meters, more or less.

Therefore, you are hereby given notice that the petition has been set for hearing on May 26, 1951, at 8:30 o'clock in the morning, before this Court at the provincial capitol of Dipolog, Zamboanga, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Patricio C. Ceniza, judge of said court, 31st day of January, 1951.

[2, 3]

V. S. CONCHA
Deputy Clerk of Court

Republic of the Philippines
In the Court of First Instance of Capiz
Eleventh Judicial District

Cadastral Case No. 4, G.L.R.O. Record No. 336, Lot No. 299, Capiz, Capiz

LUIS V. ADVINCULA, petitioner

NOTICE

Mr. Luis V. Advincula, petitioner and to all appear-

occupants of said properties, the adjoining owners and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Atty. Jose Y. Torres in representation of the petitioner, Luis V. Advincula of a lot No. 299 covered by the Decree No. 149563 of which an original certificate of title was issued covering said lot of the Capiz cadastre in favor of the deceased Serafin Advincula.

That as a result of the last war, the original certificate of title as well as the owner's duplicate copy of the said certificate of title were lost and destroyed.

That the said lot No. 299 is located in the barrio of Ilaya, municipality of Capiz, Province of Capiz, described as follows:

Bounded on the NE. by Calle McKinley; on the SE. by Calle San Jose; on the SW. by lot No. 300 of the Capiz cadastre owned by Mariano Chiyuto; and on the NW. by lot No. 301 of the Capiz cadastre owned by Alejandro Balgos.

Therefore, you are hereby given notice that the said petition has been set for hearing on the 17th day of July, 1951, at 8:00 a.m., at the session hall of this Court in which date, time and place, you should appear and file your claim or objections if any, to the petition.

Witness the Hon. Fernando Hernandez, judge of this court, this 7th day of February, 1951.

VICENTE IGNACIO
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Capiz
Eleventh Judicial District

Cadastral Case No. 27, G.L.R.O. Record No. 909, Lot No. 2365

GUMERCINDO DELEÑA, petitioner

NOTICE

Mr. Gumercindo Deleña, petitioner and to all appearing to have an interest in the properties, the occupants of said properties, the adjoining owners and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Atty. Vicente La Ferrer in representation of the petitioner, Gumercindo Deleña of a lot No. 2365 covered by decree No. 363140 which was issued on September 19, 1929, for which the corresponding original certificate of title was issued in the name of the petitioner.

That as a result of the last world war, both the owner's duplicate and the original record in the office of the register of deeds of Capiz, was lost and destroyed.

That said lot No. 2365 is situated in the barrio of Cadio, municipality of Panitan, Province of Capiz, having the following boundaries and adjoining owners and are residents of Panitan, Capiz.

Bounded on the NE. by lots Nos. 2367 owned by Magdalena Diaz and 2363 owned by Juan Diaz; on the E. and SE. by lot No. 2363 owned by Juan Diaz; on the SW. by lot No. 1335 of the Pontevedra cadastre and on the NW. by lots Nos. 2366 owned by Celedonia Deleña and 2370 owned by Alvaro Diaz, containing an area of 7,632 square meters, more or less.

Therefore you are hereby given notice that said petition has been set for hearing on the 17th day of July, 1951, at 8:00 a.m., at the session hall of this Court, in which date, time and place, you should appear and file your claim or objections if any, to the petition.

Witness the Hon. Fernando Hernandez, judge of this court, this 7th day of February, 1951.

VICENTE IGNACIO
Clerk of Court

Republic of the Philippines
In the Court of First Instance, Province of Cebu
Fourteenth Judicial District
Third Branch

Cadastral Case No. 12, G.L.R.O. Record No. 9468, Lot No. 2691-A

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, petitioner, versus FRANCISCO ABADIMAS ET AL., claimants.

NOTICE

To Valente Abella, Apolonio Saceda, Tisan Labangan, Cebu City; Sor Catalina % Atty. Mariano Osmeña, cor. Jakosalem & Sikatuna, Pedro Belderol, % Atty. Antonio Sarmiento, all in Cebu City; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Apolinar P. Cortes, through Atty. Antonio Sarmiento, praying for the reconstitution of the transfer certificate of title issued in the name of the spouses Pedro Belderol and Calixta Padilla by the register of deeds of Cebu, covering lot No. 2691-A of the cadastral survey of Cebu situated in the City of Cebu, described and bounded as follows: N. by lot No. 2691-B by Valente Abella; E. by lot No. 7701 by Sor Catalina; S. by lot No. 2691-C by Apolonio Saceda; W. by lot No. 2690-A by Pedro Belderol. Containing an area of 1,289 square meters, more or less.

Therefore, you are hereby given notice that the petition has been set for hearing on April 7, 1951, at 8 o'clock in the morning before the third branch of this Court at the provincial capitol building, Cebu City, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Florentino Saguin, judge of said court, this 27th day of January, 1951.

EUGENIO RODIL
Clerk of Court

[2, 3]

Republic of the Philippines
 In the Court of First Instance of Cebu
 Fourteenth Judicial District
 Special Branch

Cadastral Case No. 2, G.L.R.O. Record No. 59, Lot No. 5784
Reconstitution of Original Certificate of Title No. 9393. THE DIRECTOR OF LANDS, petitioner, versus ANGELA ABELLANA ET AL., claimants.

NOTICE

To the District Land Officer, Cebu City, Isidra Sarmiento de Alegarbes and Teresa Sarmiento and brothers, Carcar, Cebu, and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Maxima Sarmiento of Carcar, Cebu, for the reconstitution of original certificate of title No. 9393, issued in the name of the petitioner and Telesfora Sarmiento, by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering lot No. 5784 of the ~~cadastral survey~~ of the municipality of Carcar, Province of Cebu, situated in the barrio of Ocana of said municipality of Carcar, and bounded on the north, by a river; on the east, by seashore; on the south, by property of Isidra Sarmiento de Alegarbes; and on the west, by property of Teresa Sarmiento and brothers, with an area of 42,847 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on May 26, 1951, at 8:30 a.m., before the special branch of this Court in the provincial capitol of Cebu, on which date, time and place you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Ignacio Debuque, judge of said court, this 1st day of February, 1951.

EUGENIO RODIL
Clerk of Court

[2, 3]

Republic of the Philippines
 In the Court of First Instance of Cebu
 Fourteenth Judicial District
 Third Branch

Cadastral Case No. 25, G.L.R.O. Record No. 1174, Lots Nos. 2489, 2509 and 2511

THE DIRECTOR OF LANDS, petitioner, *versus* FRANCISCO ABADILLA ET AL., claimants

NOTICE

The Director of Lands, Manila; Adriano Baguio, Valeriano Mangitngit, Graciano Jayag, Perpetua Atamosa, Julian Atamosa, Macario Alimorin, Teodulo Capangpangan, all these in Balamban, Cebu; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Bonifacio Supatan, through Atty. Juan E. Yap, praying for the reconstitution of the certificate of title issued in the name of Felicidad Kiamco (now deceased) and her husband Potenciano C. Santos by

the register of deeds of this province, alleged to have been lost or destroyed during the last war in the said office of the register of deeds, covering real properties known as lots Nos. 2489, 2509 and 2511 of the cadastral survey of Balamban, Cebu, shown on plans SWO-25569 and 26476, situated in the barrios of Nangka and Biasong, municipality of Balamban, described and bounded as follows:

Lot No. 2489.—SE. and S. by lot No. 2490; SW. by lots Nos. 2490 and 2486; and NW. by Combado River. Containing an area of 2,765 square meters, more or less.

Lot No. 2509.—NE. by lot No. 2510; SE. by Combado River; SW. by lot No. 2506; and NW. by lot No. 2508. Containing an area of 13,513 square meters, more or less.

Lot No. 2511.—NE. by lots Nos. 2512 and 2513; SE. by lot No. 2524; SW. by lots Nos. 2525 and 2500; and NW. by Combado River. Containing an area of 46,702 square meters, more or less.

The petition further prays for the issuance of new certificates of title in the name of the petitioner after the reconstituted certificates of title have been cancelled.

Therefore, you are hereby given notice that the petition has been set for hearing on May 12, 1951, at 8 o'clock in the morning, before the third branch of this Court at the provincial capitol building, Cebu City, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Florentino Saguin, judge of said court, this 3rd day of February, 1951.

EUGENIO RODIL
Clerk of Court

Republic of the Philippines
 In the Court of First Instance of Cebu
 Fourteenth Judicial District
 Special Branch

Cadastral Case No. 9, G.L.R.O. Record No. 9465, Lot No. 706-A

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, petitioner, *versus* ENEMESIA ABADIA ET AL., claimants.

NOTICE

To the Register of Deeds, Cebu City, the City Engineer, Cebu City, Justice F. Borromeo Veloso, 18 Sanciangko St., Cebu City; Guadalupe B. Trosdal, Mercedes Borromeo Veloso, F. Ramost St., Cebu City; Mrs. Andrea Villarin, corner Jakosalem-Manalili Sts., Cebu City; heirs of Salvador Sison, represented by Mrs. Manuel Zosa, Junquera St. (Int.), Cebu City; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Dr. Jose Ma. Borromeo Veloso, through Atty. Justice Fortunato V. Borromeo, of Cebu City, praying for the reconstitution of the transfer certificate of title No. 6220 issued in the name of Felicidad Kiamco (now deceased) and her husband Potenciano C. Santos by

petitioner by the register of deeds of Cebu, alleged to have been lost or destroyed in the said office during the last war, covering real property (known as lot No. 706-A of the cadastral survey of Cebu), situated in the City of Cebu, particularly shown in plan SWO-26145, described and bounded as follows: NE. Justice F. Borromeo Veloso; and Mrs. Guadalupe B. Trosdal; SE. by Mrs. Andrea Villarin; SW. by heirs of Salvador Sison; and NW. by Mercedes Borromeo Veloso. Containing an area of 989 square meters, more or less.

Therefore, you are hereby given notice that the petition has been set for hearing on March 24, 1951, at 8 o'clock in the morning before the special branch of this Court at the provincial capitol building, Cebu City, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Ignacio Debuque, judge of said court, this 2nd day of January, 1951.

EUGENIO RODIL
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance, Province of Cebu
Fourteenth Judicial District
Special Branch

G.L.R.O. Record No. 5988, Lots Nos. 24 and 30, portions of
Lot No. 1071

THE DIRECTOR OF LANDS, applicant
(Banilad Friar Lands Estate)

NOTICE

To the Provincial Government of Cebu, through Hon. Governor of Cebu; Dr. Virgilio Gonzalez, Lahug, Cebu City; and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Rafael Consing, through Atty. Eddy A. Deen, of Cebu City, praying for the reconstitution of the transfer certificates of title issued in the name of Joaquin Tiunayquiat of Cebu City by the register of deeds of Cebu, alleged to have been lost or destroyed in the said office during the last war, covering real property (known as lots Nos. 24 and 30 of the Banilad Friar Lands Estate, being portions of lot No. 1071), situated in the City of Cebu, of which parcels of land the herein petitioner is the actual owner. The said property are described and bounded as follows:

Lot No. 24.—NE. by lot No. 23 by Dr. Virgilio Gonzalez; SE. by lot No. 25 by the petitioner; SW. by lot No. 30 by the petitioner; W. by lot No. 1158 by the provincial government of Cebu; and NW. by lot No. 23 by Dr. Virgilio Gonzalez. Containing an area of 1,769 square meters, more or less.

Lot No. 30.—NE. by lot No. 24 by petitioner; lot No. 25, also by petitioner; and lot No. 23 by Dr. Virgilio Gonzalez; SE. by lot No. 29 by Dr. Virgilio Gonzalez; SW. by lot No. 31 by Dr. Virgilio Gonzalez; and W. by lot No. 1158 by the provincial

Government of Cebu. Containing an area of 1,336 square meters, more or less.

Therefore, you are hereby given notice that the hearing of the petition has been set on March 24, 1951, at 8 o'clock in the morning before the special branch of this Court at the provincial capitol building, Cebu City, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Ignacio Debuque, judge of said court, this 2nd day of January, 1951.

EUGENIO RODIL
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Zamboanga
Sixteenth Judicial District
Dipolog

Cadastral Case No. 2, G.L.R.O. Record No. 77, Lot No. 811

THE GOVERNMENT OF THE PHILIPPINES, petitioner,
versus, JOSE ABAD ET AL., claimants

To Cepriano Soliva, Mariano Bastasa, all these in Dipolog, Zamboanga, and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Maria Sy Perlas Vda. de Nicomedes praying for the reconstitution of transfer certificate of title No. 13326 in the name of Agapito Nicomedes by the register of deeds of the Province of Zamboanga, alleged to have been lost and/or destroyed during the last war, covering real property, situated at the poblacion of Dipolog, Province of Zamboanga, said land being more particularly described and bounded as follows: Northeast, Cepriano Soliva; southeast, Mariano Bastasa; southwest, Calle Riparo; and northwest, Calle Real. Containing an area of 422 square meters, more or less.

Therefore, you are hereby given notice that the petition has been set for hearing on May 19, 1951, at 8:30 o'clock in the morning, before this Court at the provincial capitol building of Dipolog, Zamboanga, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Patricio C. Ceniza, judge of said court, this 14th day of December, 1950.

V. S. CONCHA
Deputy Clerk of Court

Republic of the Philippines
In the Court of First Instance of La Union
Second Judicial District

ADMINISTRATIVE CASE No. 114-R.—Petition for the reconstitution of Original Certificate of Title No. "N.A." of lots Nos. 322 and 473 issued in the name of Jose B. Bernal. JOSE B. BERNAL, petitioner.

NOTICE OF HEARING

To Bernardino Estacio, Marcos Florencio, all of Rosario, La Union. Provincial Government of La

Union, Atty. Antonio L. Calonge, counsel for the petitioner and Jose B. Bernal, petitioner.

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Jose B. Bernal, registered owner and petitioner, Rosario, La Union, for the reconstitution of the original certificate of title No. "NA", alleging to have lost the owner's duplicate while the original which was kept in the office of the register of deeds of La Union, was lost or destroyed due to operation of the last war. Said parcels of land are situated in the barrio of Tanglag, municipality of Rosario, La Union, and more particularly described and bounded as follows:

A parcel of land (lot 322 of the cadastral survey of Rosario, G.L.R.O. cadastral record No. _____), situated in the barrio of Tanglag, municipality of Rosario, Province of La Union, bounded on the N. and NE. by lot 355 of Rosario cadastre; on the E., by lot 473 of Rosario cadastre; on the SE., by provincial road 15.00 meters wide and lot 473 of Rosario cadastre; on the SW., by ~~lot 473 of Rosario cadastre; on the W., by lot 321 of Rosario cadastre, and on the NW., by lot 355 of Rosario cadastre, containing an area of 17,772~~ square meters, more or less.

A parcel of land (lot 473 of the cadastral survey of Rosario, G.L.R.O. cadastral record No. _____), situated in the barrio of Tanglag, municipality of Rosario, Province of La Union, bounded on the NE., by lot 322 of Rosario cadastre; on the SE. by provincial road 15.00 meters wide; and on the W. and NW., lot 322 of Rosario cadastre, containing an area of 12,264 square meters, more or less.

Wherefore, you are hereby given notice that said petition has been set for hearing on August 21, 1951, at 8 o'clock in the morning in the session hall of the Court of First Instance, San Fernando, La Union, at which time, date and place, you should appear and file your claims or objections, if you have any, to the petition.

Witness the Hon. Jose C. Zulueta, judge of the said court, this 31st day of January, 1951.

MIGUEL RILLORAZA
Clerk of Court of La Union

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Maria Barcil, registered owner and petitioner, Rosario, La Union, for the reconstitution of the original certificate of title No. "N.A.", alleging to have lost the owner's duplicate while the original which was kept in the office of the register of deeds of La Union, was lost or destroyed due to operation of the last war. Said parcel of land situated in the barrio of Tanglag, municipality of Rosario, La Union, and more particularly described and bounded as follows:

A parcel of land (lot 408 of the cadastral survey of Rosario, G.L.R.O. cadastral record No. _____), situated in the barrio of Tanglag, municipality of Rosario, Province of La Union. Bounded on the NE., by lots 413 and 409 of Rosario cadastre; on the S., by lot 382 of Rosario cadastre; on the SW., by lots 380 and 410 of Rosario cadastre; and on the NW., by lots 410 and 413 of Rosario cadastre, containing an area of 13,387 square meters, more or less.

Wherefore, you are hereby given notice that said petition has been set for hearing on August 21, 1951, at 8 o'clock in the morning in the session hall of the Court of First Instance, San Fernando, La Union, at which time, date and place, you should appear and file your claims or objections.

Witness the Hon. Jose C. Zulueta, judge of the said court, this 31st day of January, 1951.

[2-4]

MIGUEL RILLORAZA
Clerk of Court of La Union

Republic of the Philippines
In the Court of First Instance of Surigao
Fifteenth Judicial District

Cadastral Case No. 12, Cadastral Record No. 1364, Lot Nos. 624, 627 and 628

RECONSTITUTION OF THREE CERTIFICATES OF TITLE
(NUMBERS UNKNOWN)

NOTICE

To Damian Ouano, Surigao, Surigao, Phil. National Bank, Surigao, Surigao, Porferio Yusingco, 1525 Prudencio St., Manila, Pelagio Yusingco, R-215, Quirino Bldg., Cebu City, Alfonso Yusingco, 120 A. Bautista, Punta, Sta. Ana, Manila, Silverio Claridad, Bilangbilang, Surigao, Ong Hanga, Surigao, Surigao, Mrs. Sancho Dy, Butuan City, Samson Bonpin, Surigao, Surigao, Andres Ong, Surigao, Surigao, Republic of the Philippines, and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26 by Valentin J. Ouano, attorney for the petitioner, for the reconstitution of three certificates of title, the numbers of which are unknown, issued in the name of the Phil. National Bank, by the register of deeds, Surigao, Surigao, and

NOTICE OF HEARING

To Semon Calonge, Francisco Estabillo, Lorenzo Calonge, Telesforo Soriano, Maria Barcil all of Rosario, La Union, Atty. Antonio L. Calonge,

Republic of the Philippines
In the Court of First Instance of La Union
Second Judicial District

ADMINISTRATIVE CASE NO. 115-R.—Petition for the reconstitution of Original Certificate of Title No. "N.A." of Lot No. 408 issued in the name of Sixto Lario (deceased). MARIA BARCIL, petitioner.

624, 627 and 628, of the cadastral survey of the municipality of Surigao, situated in the municipality of Surigao, and bounded by the lots Nos. as follows:

Lot 624, on the NE. by lot 625, Surigao cadastre; on the SE. by lot 297, Surigao cadastre; on the SW. by Surigao Sea; and on the NW. by lot 7235, Surigao cadastre; containing an area of 1,354 square meters.

Lot 627, on the NE. by lots 1016 and 628, Surigao cadastre; on the SE. by lot 628, Surigao cadastre; on the SW. by lot 626, Surigao cadastre; and on the NW. by lot 7235, Surigao cadastre; containing an area of 1,157 square meters.

Lot 628, on the NE. by lots 1016 and 740, Surigao cadastre; on the SE. by lot 740, Surigao cadastre; and Borromeo St.; and on the SW. and NW by lot 627, Surigao cadastre; containing an area of 1,563 square meters.

Wherefore, you are hereby given notice that said petition has been set for hearing on June 4, 1951, at 8:00 a.m. in the session hall of this court at Surigao, Surigao, in which date, time and place, you should appear and file your claims or objections, if any you have to the petition.

Witness the Hon. Francisco Arca, judge of this court, this 10th day of February, 1951.

F. FAROLAN
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 9, G.L.R.O. Cadastral Record No. 86,
Lot No. 113, Silay cadastre

Petition for Reconstitution of a Certificate of Title
under Republic Act No. 26. JOSEFITA TIONKO
VDA. DE LACSON, petitioner.

NOTICE

To Maria C. Locsin Vda. de Ledesma, Anita Araneta, and Alfredo L. Navas, all in Silay, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Josefita Tionko Vda. de Lacson, through counsel, for the reconstitution of the original as well as the owner's duplicate of transfer certificate of title No. 16410, registered in the name of Felipe M. Tionko by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lot No. 113 of Silay cadastre), situated in the municipality of Silay, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 113 of the cadastral survey of Silay), with the improvements thereon, situated in the municipality of Silay. Bounded on the NE. by lots Nos. 717 and 111; on the SE.

by lot No. 114; on the SW. by Calle Figueroa; and on the NW. by Calle Washington * * *; containing an area of 1,532 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on April 6, 1951, at 8:30 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 3rd day of February, 1951.

JOSE AZCONA
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 29, G.L.R.O. Cadastral Record No. 292,
Lot No. 524, Escalante cadastre

Petition for reconstitution of a Certificate of Title
under Republic Act No. 26. FELIPE BRINQUIS,
petitioner.

NOTICE

To Liborio Señoron, Doroteo Sarcos, Julian Ta-cugue, Aniceto Sarcos, and Bernardino Brinquis, all in Buenavista, Escalante, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Felipe Brinquis, through counsel, for the reconstitution of the original as well as the owner's duplicate of original certificate of title No. 24472, registered in the name of the conjugal partnership of the spouses, Fernando S. Lucot and Raymunda Cale, by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lot No. 524 of Escalante cadastre), situated in the municipality of Escalante, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 524 of the cadastral survey of Escalante), with the improvements thereon, situated in the municipality of Escalante. Bounded on the NE. by lots Nos. 502 and 501; on the SE. by lots Nos. 527, 526 and 525; on the SW. by lots Nos. 525 and 522; and on the NW. by lot No. 523 * * *; containing an area of 17,705 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on April 9, 1951, at 8:30 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 6th day of February, 1951.

JOSE AZCONA
Clerk of Court
[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 29, G.L.R.O. Cadastral Record No. 292,
Lot No. 705, Escalante cadastre

*Petition for reconstitution of a Certificate of Title
under Republic Act No. 26. TOMASA CALLETOR,
petitioner.*

NOTICE

To Santiago Javier, Nasario Mascada, and Gaudencio Señoron, all in Japitan, Escalante, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Tomasa Calletor, through counsel, for the reconstitution of the original as well as the owner's duplicate of original certificate of title No. 24004, registered in the name of the conjugal partnership of the spouses, Alfonso Pormento and Dionisia Mahinay by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property known as lot No. 705 of Escalante cadastre), situated in the municipality of Escalante, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 705 of the cadastral survey of Escalante), with the improvements thereon, situated in the municipality of Escalante. Bounded on the NE. by lot No. 706; on the SW. by lot No. 704; and on the W. by lot No. 674 * * *; containing an area of 7,409 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on April 9, 1951, at 8:30 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 6th day of February, 1951.

JOSE AZCONA
Clerk of Court
[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 19, G.L.R.O. Cadastral Record No. 168,
Lot No. 752, Himamaylan cadastre

*Petition for reconstitution of a Certificate of Title
under Republic Act No. 26. FRANCISCA ES-*

NOTICE

To Fermin Adlao, Juliano Exiga, Marcela Ledesma, and Agustin Jocson, all in Himamaylan, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Francisca Espanton Vda. de Demapanag, for the reconstitution of the original as well as the owner's duplicate of transfer certificate of title No. 10749, registered in the name of the Standard Oil Company of New York, by the register of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lot No. 752 of Himamaylan cadastre), situated in the municipality of Himamaylan, Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 752 of the cadastral survey of Himamaylan), with the improvements thereon, situated in the municipality of Himamaylan. Bounded on the N. by lot No. 753; on the SE. by lot No. 744; on the S. by lot No. 751; on the SW. by lot No. 714; and on the NW. by lot No. 1494 * * *; containing an area of 160,533 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on April 10, 1951, at 8:30 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 8th day of February, 1951.

JOSE AZCONA
Clerk of Court
[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 2, G.L.R.O. Cadastral Record No. 55,
Lot No. 1376, Bacolod cadastre

*Petition for reconstitution of a Certificate of Title
under Republic Act No. 26. MARIA MAGLOYAN
DE MAQUILAN, petitioner.*

NOTICE

To Ignacia Cordova, Basilia Cordova, and Julia Vda. de Toro, all in Cabakhawan, Bacolod City; Heirs of Andres Anlap, Calle Smith, Bacolod City; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Maria Magloyan de Maquilan, through counsels, for the reconstitution of the original as well as the owner's duplicate of original certificate of title No. 2993, registered in the name of Basilia Makilan by the register of deeds of this province, alleged to have been lost or destroyed in the office

(known as lot No. 1376 of Bacolod cadastral), situated in the City of Bacolod, Province of Negros Occidental, said lot being more particularly described and bounded as follows:

A parcel of land (lot No. 1376 of the cadastral survey of Bacolod) with the improvements thereon, situated in the municipality of Bacolod. Bounded on the NE. by lot No. 1375; on the SE. by lot No. 1373; on the SW. by lot No. 1379; on the NW. by lots Nos. 1378 and 1377 * * *; containing an area of 56,930 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on April 6, 1951, at 8:30 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 3rd day of February, 1951.

JOSE AZCONA
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Cadastral Case No. RT-169, G.L.R.O. Record No. 43488,
re-Lots Nos. 1, 3, 4, 5, 6, 7, 8, 9 and 10

THE DIRECTOR OF LANDS, claimant, *versus* MANILA
RAILROAD COMPANY, petitioner

NOTICE

To Manila Railroad Company, Manila; Luis Ribaya, Osmundo Roa, Mariano Recuenco, Francisco Robregado, Romana Repuyan, Faustino Ostero, Florentino Ostero, Adriano Aquitana, Luis Rerga, Remegio Rillorosa, Gregorio Rebancos, Toribio Rucamo, Pedro Recario, Faustino Ostero, Leocadio Rebancos, Faustino Rañeses, Marcelo Casimero, Valentín Rebancos, Brigido Remonte, Félix Remonte, Maximo Realuyo, María Arebalo, Petrona Realba, Faustino Rañeses, Pablo Recacho, Pedro Rebustillo, Sabas Rempis, Nemesio Casimo, Florencio Realuyo, Marcelo Ostero, Aniceto Casimero, Jacinto Reto, Felipe Repallo, Eulogia Ricacho, Tranquilino Remonte, Domingo Realo, Narciso Rupeta, Sabino Realo, Ventura Reario, Cornelio Casimero Conrado Relaba, Amado Recato and Aniceto G. Medel, all of Oas, Albay; and to all whom it may concern:

Whereas, a petition has been filed in this court under the provisions of Republic Act No. 26 by the Manila Railroad Co., praying for the reconstitution of original certificate of title No. 24520 covering lots Nos. 1, 3, 4, 5, 6, 7, 8, 9 and 10 of Psu-71313, Swo-24218, situated at Oas, Albay, on the ground that both the owner's duplicate copy kept on file in the vault of the Engineering Department of the herein petitioner, and the original kept on file in the office of the register of deeds of Albay, were

lost or rather destroyed during the last war. Said lots are described as follows:

A parcel of land (lot No. 1 of plan Psu-71313 (Swo-24218), G.L.R.O. record No. 43488), situated in the municipality of Oas, Albay. Bounded on the NE. by lot 24 of plan Psu-64242 (property of the Manila Railroad Co.), property of Mariano Recuenco, swamp, lot 4, of plan Psu-50756 (property of Luis Ribaya y Agustina Revatoris de Ribaya) and property of Osmundo Roa; on the SE. by creek; and on the SW. by property of Osmundo Roa and lot No. 3 of plan Psu-50756 (property of Luis Ribaya y Agustina Revatoris de Ribaya); containing an area of 9,269 square meters, more or less.

A parcel of land (lot No. 3 of plan Psu-71313 (Swo-24218), G.L.R.O. record No. 43488) situated in the municipality of Oas, Albay. Bounded on the NE. by property of Faustino Ostero, lot 15 of plan Psu-50756 (property of Luis Ribaya y Agustina Revatoris de Ribaya) and property of Florentino Ostero; on the SE. by road; on the SW. by lot No. 9 of plan Psu-71313 (Swo-24218) property of the Manila Railroad Co., and properties of Romana Repuyan and Francisco Robregado; and on the NW. by creek; containing an area of 8,506 square meters, more or less.

A parcel of land (lot No. 4 of plan Psu-71313 (Swo-24218), G.L.R.O. record No. 43488), situated in the municipality of Oas, Albay. Bounded on the NE. by lot 16 of plan Psu-50756 (property of Luis Ribaya y Agustina Revatoris de Ribaya) and properties of Leocadio Rebancos, Faustino Rañeses and Pedro Ricario; on the SE. by road; on the SW. by properties of Pedro Ricario, Toribio Rucamo, Gregorio Rebancos, Remigio Rillorosa, Luis Rerga, and Adriano Quintana, and lot No. 20 of plan Psu-50756 (property of Luis Ribaya y Agustina Revatoris de Ribaya); and on the NW. by road; containing an area of 9,252 square meters, more or less.

A parcel of land (lot No. 5 of plan Psu-71313 (Swo-24218), G.L.R.O. record No. 43488), situated in the Oas, Albay. Bounded on the NE. by property of Faustino Rañeses, lot No. 24 of plan Psu-50756 (property of Luis Ribaya y Agustina Revatoris de Ribaya) and properties of Pablo Ricacho and Pedro Rebustillo; on the SE. by barrio road; on the SW. by properties of Petrona Realba, María Arebalo, Maximo Realuyo, Félix Remonte, Brigido Remonte, Valentín Ribancos and Marcelo Casimiro; and on the NW. by road; containing an area of 10,067 square meters, more or less.

A parcel of land (lot 6 of plan Psu-71313 (Swo-24218), G.L.R.O. record No. 43488), situated in Oas, Albay. Bounded on the NE. by properties of Aniceto Casimiro, Nemesio Casimiro, Florencio Realuyo, Jacinto Reto, Maximo Realuyo and Tranquilino Remonte, road, and properties of Marcelo Casimiro and Domingo Realo; on the SE. by lot No. 1 of plan Psu-70958 (property of the Manila

Railroad Company); on the SW. by properties of Conrado Realba and Narciso Rupeta, road, properties of Tranquilino Remonte, Maximo Realuyo and Gavino Realo, road, and properties of Ventura Reario, Marcelo Otero and Florencio Realuyo, lot No. 30 of plan Psu-50756 (property of Luis Ribaya y Agustina Revatoris de Ribaya), properties of Nemesio Casimiro, Sabas Rempis, Maximo Realuyo and Cornelio Casimero; and on the NW. by barrio road; containing an area of 30,712 square meters, more or less.

A parcel of land (lot 7 of plan Psu-71313 (Swo 24218), G.L.R.O. record No. 43488), situated in the Oas, Albay. Bounded on the NE. by lot No. 2 of plan Psu-50756 (property of Luis Ribaya y Agustina Revatoris de Ribaya); and on the SE. SW. and NW. by lot No. 2 of plan Psu-71313 (Swo-24218); containing an area of 69 square meters, more or less.

A parcel of land (lot No. 8 of plan Psu-71313 (Swo-24218), G.L.R.O. record No. 43488), situated in Oas Albay. Bounded on the NE. and SE. by lot 2 of plan Psu-71313 (Swo-24218); and on the SW. by lot No. 1 of plan Psu-50653 (property of Amado Recato); containing an area of 56 square meters, more or less.

A parcel of land (lot No. 9 of plan Psu-71313 (Swo-24218), G.L.R.O. record No. 43488), situated in Oas, Albay. Bounded on the NE. by lot No. 3 of plan Psu-71313 (Swo-24218); and on the SW. by lot No. 19 of plan Psu-50756 (property of Luis Ribaya y Agustina Rebatoris de Ribaya; containing an area of 25 square meters, more or less.

A parcel of land (lot No. 10 of plan Psu-71313 (Swo-24218), G.L.R.O. record No. 43488), situated in Oas, Albay. Bounded on the NE. and SE. by lot No. 2 of plan Psu-71313 (Swo-24218); and on the SW. by property of Aniceto G. Medel; containing an area of 15 square meters, more or less.

Now, therefore, you are hereby given notice that said petition will be heard on March 28, 1951, at 8:30 a.m., before this court, branch II, at Legaspi City, on which date, hour and place you must appear and file your opposition if you have any, to the said petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent by registered mail to each of the owners of the lands adjoining to the lands described above at the expense of the petitioner and be posted in the main entrance of the provincial building and of the municipal building of Oas, Albay, at least 30 days before the date of hearing.

Witness the Hon. Angel H. Mojica, judge of this court, this 29th day of November, 1950, at Legaspi City.

JUSTINO BALDE
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Cadastral Case No. RT-171, G.L.R.O. Record No. 1103, re-Lots Nos. 9880, 9882, 9884, 9885 and 9886

THE DIRECTOR OF LANDS, claimant, *versus* MANILA RAILROAD COMPANY, petitioner

NOTICE

To Manila Railroad Company, Manila; Lim Kim Dian, Gavino Ocfemia, both of Guinobatan, Albay; and to all whom it may concern:

Whereas, a petition has been filed in this court under the provisions of Republic Act No. 26 by the Manila Railroad Company, praying for the reconstitution of original certificate of title No. 26022 covering lots Nos. 9880, 9882, 9884, 9885 and 9886 of the cadastral survey of Guinobatan, Albay, situated in the barrios of Banao and Bobulosan, Guinobatan, Albay, in the name of the herein petitioner, for the reason that both the owners duplicate copy of said original certificate of title No. 26022 which was kept in the vaults of the Engineering Department of the Manila Railroad Company and also the original kept on file in the office of the register of deeds of Albay were lost and completely destroyed as a result of the last war. Said lots are described as follows:

A parcel of land (lot No. 3433-A (now lot No. 9880), of the subdivision plan Psd-8590 (Swo-24217), being a portion of lot No. 3433 of the cadastral survey of Guinobatan, G.L.R.O. cadastral record No. 1103), situated in the barrio of Banao, Guinobatan, Albay. Bounded on the NE., SE. and NW. by lot No. 7075 of the cadastral survey of Guinobatan (property of the Manila Railroad Company); and on the SW. by lot No. 3433-B of the subdivision plan Psd-8590 (Swo-24217); containing an area of 40 square meters, more or less.

A parcel of land (lot No. 3449-A (now lot No. 9882) of the subdivision plan Psd-8590 (Swo-24217), being a portion of lot No. 3449 of the cadastral survey of Guinobatan, G.L.R.O. cadastral record No. 1103), situated in the barrio of Banao, Guinobatan, Albay. Bounded on the NE. by lot 7076 of the cadastral survey of Guinobatan (property of the Manila Railroad Company); and on the SW. by lot No. 3449-B of the subdivision plan Psd-8590 (Swo-24217); containing an area of 40 square meters, more or less.

A parcel of land (lot No. 3450-A (now lot No. 9884) of the subdivision plan Psd-8590 (Swo-24217), being a portion of lot No. 3450 of the cadastral survey of Guinobatan, G.L.R.O. cadastral record No. 1103), situated in the barrios of Banao and Bobulosan, Guinobatan, Albay. Bounded on the NE. by lot No. 3450-D of the subdivision plan Psd-8590 (Swo-24217); and on the SW. by lot No. 7076 of the cadastral survey of Guinobatan (prop-

erty of the Manila Railroad Company); containing an area of 107 square meters, more or less.

A parcel of land (lot No. 3450-B (now lot No. 9885) of the subdivision plan Psd-8590 (Swo-24217), being a portion of lot No. 3450 of the cadastral survey of Guinobatan, G.L.R.O cadastral record No. 1103), situated in the barrio of Banao, Guinobatan, Albay. Bounded on the NE. by lot No. 3450-D of the subdivision plan Psd-8590 (Swo-24217); and on the SW. by lot No. 7076 of the cadastral survey of Guinobatan (property of the Manila Railroad Company); containing an area of 104 square meters, more or less.

A parcel of land (lot No. 3450-C (now lot No. 9886) of the subdivision plan Psd-8590 (Swo-24217), being a portion of lot No. 3450 of the cadastral survey of Guinobatan, G.L.R.O. cadastral record No. 1103), situated in the barrio of Banao, Guinobatan, Albay. Bounded on the NE. by lot No. 3450-D of the subdivision plan Psd-8590 (Swo-24217); on the SE. by lot No. 3447 of the cadastral survey of Guinobatan; and on the SW. by lot No. 7076 of the cadastral survey of Guinobatan (property of the Manila Railroad Company); containing an area of 6 square meters, more or less.

Now, therefore, you are hereby given notice that said petition will be heard on March 28, 1951, at 8:30 a.m., before this court, branch II, at Legaspi City, on which date, hour and place you must appear, and file your opposition if any you have, to the said petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent by registered mail to each of the owners of the lands adjoining to the lands described above, at the expense of the petitioner, and be posted in the main entrance of the provincial building and of the municipal building of Guinobatan, Albay, at least 30 days before the date of hearing.

Witness the Hon. Angel H. Mojica, judge of this court, this 4th day of January, 1951, at Legaspi City.

JUSTINO BALDE
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Cadastral Case No. (36) R-174, G.L.R.O. Record No. 1106,
re-Lot 7073

THE DIRECTOR OF LANDS, claimant, *versus* MANILA
RAILROAD COMPANY, petitioner

NOTICE

To the Manila Railroad Company, Manila; Lim Kim Dian and the Municipal Mayor, both of Guinobatan, Albay; and to all whom it may concern:

Whereas, a petition has been filed in this court under the provisions of Republic Act No. 26 by the Manila Railroad Company, praying for the reconstitution of original certificate of title No. 24523 covering lot No. 7073 of the cadastral survey of Guinobatan, Albay, on the ground that the owner's duplicate copy which was kept in the vault of the Engineering Department of the Manila Railroad Company, Manila, and the original which was kept on file in the office of the register of deeds of Albay were burned and completely destroyed during the war. Said lot is described as follows:

A parcel of land (lot No. 7073 of the cadastral survey of Guinobatan, Albay, (SWO-23562), G.L.R.O. cadastral record No. _____, situated in the barrio of San Rafael, Guinobatan, Albay. Bounded on the NE; by lot 3869 of the cadastral survey of Guinobatan; on the SE; by a spring; and on the SW; by a road; containing an area of 1,240 square meters, more or less.

Now, therefore, you are hereby given notice that said petition will be heard on March 29, 1951, at 8 o'clock a.m., before this court, branch I, at Legaspi City, on which date, hour and place you must appear and file your opposition if you have any, to the petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent by registered mail to each of the owners of the lands adjoining to the land described above at the expense of the petitioner and be posted in the main entrance of the provincial building, and of the municipal building of Guinobatan, Albay, at least 30 days before the date of hearing.

Witness the Hon. Juan R. Liwag, judge of this court, this 6th day of December, 1950.

JUSTINO BALDE
Clerk of Court

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Cadastral Case No. RT-175, G.L.R.O. Record No. 46117,
re-Lots Nos. 1-11, 13 and 15

THE DIRECTOR OF LANDS, claimants, *versus* MANILA
RAILROAD COMPANY, petitioner

NOTICE

To Manila Railroad Company, Manila; Eugenio Vista, Basilisa Baraller, Benito Vista, Jorge Eugenio, Roman Barcellano, Narciso Matias, Marcelo Bataller, Alejo Valenzuela, Domingo Carale, Cornelio Vista, Narciso Matias, Florentino Belbas, Juana Bernal, Faustino Javier, Gregorio Castillo, Bernardo Barcebal, Demetrio Cecilio, Antonio Cabredo, Martin Bayoneta, Gregorio Diza, Bonifacio Bercasio, Felipe Vellardo, Aniceto Cabredo, Maria Berma, Lorenzo Barcelian, Maria Barrameda, Angel Estenso,

Laureano Becana, Eliseo Bernarte, Marciano Pelalosa, Isaac Pagdigan, Juan Bayona, Mateo Bequeras, Alberto Belen, Eugenio Barcellano, Juan Astrolabi, Francisco Barcellano, Basilio Benites, Pio Bernal, Mariano Bataller, Ana Vergara, Francisco Baraller, Paula Belmes, Francisco Vista, Macario Barateta, Luis Barrameda, Vicente Barrera, Paulina de Barateta, Lorenzo Gregorio, Pedro Baronia, Juan Villar, Calizto Barquilla, Patricio Taymangco, Susana Bernado, Maria Bibi, Esperanza Bernal, Juan Borja, Simeona Bay, Cipriano Villar, Municipal Mayor, Eusebio Balisa, Marciano Benalosa, Gregorio Bernarte, Anacleto Vergara, Toribio Barde, Valentín Balvin, Mateo Bragais, Isidro Barbella, Domingo Esplana, Leonora Billen, Benito Bante, Roque Bataller, Pedro Serrano, Teodoro Barcellano, Eugenio Selso, Mariano Barbadillo, Celerina Barateta, Mariano Penalosa, Nicolas Romano, Nemesio Bataller, Felisa Viejo, Esteban Valenzuela, Lorenzo Romano, Catalino Antuerpia, Macaria Bagosa, Mariano Banez, Vicenta Villar, Ambrosia Obilis, Celdonio Basco, Gabino Bibi, Agapito Valenzuela, Concepcion Cortabitarte, Pedro Bercasio, Demetrio Cecilio, Josefa Bercasio, Eusebio Basco, Antonio Bernarte, Teodosia Baliza, Alfonso Baron, Angelo Esteves, Mariano Barano and Venancio Balaguir, all of Bacacay, Albay; and to all whom it may concern:

Whereas, a petition has been filed in this court under the provisions of Republic Act No. 26 by the Manila Railroad Company, praying for the reconstitution of original certificate of title No. 24584 covering lots Nos. 1 to 11, 13 and 15 of plan Psd-71311 of Bacacay, Albay, situated in Bacacay, Albay, in the name of the herein petitioner, on the ground that both the owner's duplicate copy of said original certificate of title which was kept in the vaults of the Engineering Department of the Manila Railroad Company and also the original kept on file in the Office of the registeer of deeds of Albay were lost and completely destroyed as a consequence of the last war. Said lots are described as follows:

A parcel of land (lot No. 1 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by properties of Eugenio Vista, Leonora Billen, Juan Astrolabi, Benito Vista and Narciso Matias; on the SE., by property of the municipal government of Bacacay; on the SW., by properties of Marcelo Bataller, Narciso Matias, Basilio Benitez, Pedro Serrano, Jorge Beteno, Leonora Billen and Justina Vista; and on the W., by property of the provincial government of Albay (Gasat Creek); containing an area of 23,547, more or less.

A parcel of land (lot No. 2 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by properties of

E., and SE., by property of provincial government of Bacacay (barrio road); containing an area of 5,917 square meters, more or less.

A parcel of land (lot No. 3 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by properties of Jorge Barbadillo, Francisco Bataller, Mariano Penalosa and Florentino Belbas; on the SE., by property of the provincial government of Albay (creek, no name); on the SW., by properties of Mariano Penalosa, Florentino Belbas, Francisco Vista, Cornelio Vista, Marcelo Bataller and Francisco Bataller; and on the NW., by property of the provincial government of Albay (creek no name); containing an area of 17,116 square meters, more or less.

A parcel of land (lot No. 4 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by properties of Nemesio Bataller, and Faustino Javier, property of Bernardo Barcebal (lot No. 2, Psu-53650) and properties of Eugenio Barcellano and Basilisa Ba'aller; on the SE., by property of the provincial government of Albay (irrigation ditch); on the SW., by properties of Gregorio Castillo, Nemesio Bataller, Luis Barrameda and Antonio Selso; and on NW., by property of the provincial government of Albay (creek, no name); containing an area of 16,152 square meters, more or less.

A parcel of land (lot No. 5 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by property of Benito Bante, property of Roque Bataller (lots Nos. 11 and 12 of plan Psu-55609) and properties of Francisco, Roman and Teodoro Barcellano; on the SE., by property of the provincial government of Albay (swamp); on the SW., by property of the provincial government (swamp) and properties of Pio Bernal, Teodoro and Francisco Barcellano and property of Roque Bataller (lot No. 10, Psu-55609); and on the W., and NW., by property of the provincial government of Albay (irrigation ditch); containing an area of 8,415 square meters, more or less.

A parcel of land (lot No. 6 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by properties of Teodoro Barcellano, Eugenio Selso, Mariano Bataller, Alejo Valenzuela, Domingo Carale, Celerina Barateta, Narciso Matias, Nicolas Romano, Juana Bernal, Felisa Viejo and Esteban Valenzuela; on the SE., by property of the provincial government of Albay (Gubat creek); on the SW., by property of the provincial government of Albay (provincial road) and properties of Juana Bernal, Macario Barateta, Nicolas Romano, Narciso Matias, Paula Belmes and Domingo Carale, property of the provincial government of Albay (callejon) and properties of Alejo Valenzuela, Mariano Bataller, Ana Vergara and Teodoro Barcellano; and on the W., by property of the provincial government of Albay (swamp); containing an area of 26,545 square

A parcel of land (lot No. 7 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by properties of Vicente Barrera and Paulina Debarateta; on the SW.; by property of the provincial government of Albay (Gubat Creek); containing an area of 797 square meters, more or less.

A parcel of land (lot No. 8 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by property of the provincial government of Albay (provincial road), properties of Lorenzo Romano and Paula Belmes, property of provincial government of Albay (creek, no name), properties of Lorenzo Gregorio and Catalino Antuerpia and property of the provincial government of Albay (creek, no name) and Mariano Banez; and on the SW., by properties of Mariano Banez, Antonio Cabredo, Pedro Baronia and Lorenzo Gregorio, property of the provincial government of Albay (creek, no name) and properties of Paula Belmes, Lorenzo Romano and Paulina Debarateta; containing an area of 12,938 square meters, more or less.

A parcel of land (lot No. 9 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by properties of Nicolas Romano and Gregorio Diza and Ambrosia Obilis; on the SE., by property of the municipal government of Bacacay (calle Gubat); on the SW., by properties of Gregorio Diza and Ambrosio Obilis, Calixto Barquilla and Nicolas Romano; and on the NW., by property of the provincial government of Albay (creek, no name); containing an area of 8,782 square meters, more or less.

A parcel of land (lot No. 10 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by properties of Patricio Taymangco, Aniceto Cabredo, Gavino Bibi, Maria Bermas, provincial government of Albay (provincial road) and Concepcion Cortabitarte; on the SE., by properties of Concepcion Cortabitarte, and the municipal government of Bacacay (calle Baclayan); on the SW., by properties of the municipal government of Bacacay (calle Gubat) and Maria Bermas; containing an area of 10,689 square meters, more or less.

A parcel of land (lot No. 11 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by properties of Simeona Bay, Maria Barrameda, Narciso Matias, Cipriano Villar, Demetrio Cecilio, Macaria Bagosa, Juan Villar, Vicenta Villar and Leoncio Basmayor; on the SE., by property of the municipal government of Bacacay (barrio road); on the SW., by properties of Leoncio Basmayor, Martin Bayonet, Narciso Matias, municipal government of Bacacay (cemetery), Angel Estenso, Narciso Matias and Margarita Matias, and Simeona Bay; and on the NW., by property of the municipal government of Bacacay (calle Baclayon); containing an area of 14,744 square meters, more or less.

A parcel of land (lot No. 13 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the NE., by property of the municipal government of Bacacay (barrio road); on the E., by properties of Esperanza Bernal and Lorenzo Bareclan; on the SE., by property of the municipal government of Bacacay (barrio road); and on the W., by properties of Pedro Bercasio, Juan Borja, Agapito Balenzuela and Felipe Velardo; containing an area of 2,436 square meters, more or less.

A parcel of land (lot No. 15 of plan Psu-71311, G.L.R.O. record No. _____), situated in Bacacay, Albay. Bounded on the N., by property of Laureano Becana, property of the provincial government of Albay, (swamp) and properties of Eusebio Balisa, Rafael Basquena, Josefa Bercasio and Mateo Bragais; on the NE., by properties of Narciso Matias, Domingo Esplana, Alberto Belen, Venancio Balaguer, Eliseo Bernarte, Antonio Bernarte, Gregorio Bernarte, Teodocia Balisa and Marciano Penalosa and property of the provincial government of Albay (Bayadong River, 40.00 meters wide); on the E., by properties of Gregorio Bernarte, Eusebio Basco, Avelino Benamer and Nemesio Bernarte; on the SE., by properties of Gregorio and Nemesio Bernarte, Anacleto Vergara, Angelo Esteves, Toribio Barde, Narciso Matias, Alfonso Baron, Juan Bayoma, Valentin Balvin, Nemesio Matias, Mariano Barano, Narciso Matias and Mateo Begueras; on the S., by properties of Mateo Bragais and Laureano Becana and properties of the provincial government of Albay (swamp) and Narciso Matias; on the SW., by properties of Venancio Balaguir, Isidro Marbella, Domingo Esplana, Narciso Matias, Marciano Penalosa, Gregorio, Eliseo and Nemesio Bernarte; on the W., by properties of the provincial government of Albay (Bayadong River, 40.00 meters wide), Nemesio Bernarte, Marciano Penalosa and Avelino Benamer; and on the NW., by properties of Narciso Matias, Alfonso Baron, Isaac Pagdagan, Ange'o Esteves, Anacleto Vergara, Nemesio Bernarte and the municipal government of Bacacay (barrio road); containing an area of 85,866 square meters, more or less.

Now, therefore, you are hereby given notice that said petition will be heard on March 28, 1951, at 8:30 a.m., before this Court, Branch II, at Legaspi City, on which date, hour and place you must appear and file your opposition if any you have, to the said petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent by registered mail to each of the owners of the lands adjoining to the lands described above at the expense of the petitioner and be posted in the main entrance of the provincial building and of the municipal building of Bacacay, Albay, at least 30 days before the date of hearing.

Witness the Hon. Angel H. Mojica, judge of this court, this 2nd day of January, 1951, at Legaspi City.

JUSTINO BALDE
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Case (14)-R-192, G.L.R.O. Record No. 465, re-Lots
5018 and 5020

THE DIRECTOR OF LANDS, claimant, *versus* MANILA
RAILROAD COMPANY, petitioner

NOTICE

To the Manila Railroad Company, Azcarraga, Manila; Sinfroso Moratalla, Jacinto Villa-nueva, Jose Nasal, Felix Samson, Catalina Nogot and Nemesia Ala, all of Camalig, Albay; and to all whom it may concern:

Whereas, a petition has been filed in this court, under the provisions of Republic Act No. 26, by the Manila Railroad Company, praying for the reconstitution of transfer certificates of title Nos. 4830 and 4832 covering lots Nos. 5018 and 5020, respectively, of the cadastral survey of Camalig, Albay, in the name of Virginia Samson and Petronio Samson, for the reason that both the original of said transfer certificates of title kept in the office of the register of deeds of Albay and the owner's duplicate copies kept in the vault of the Engineering Department of the Manila Railroad Company were either burned or completely destroyed as a consequence of the last war. Said lots are described as follows:

A parcel of land (lot No. 5018-A of the subdivision plan Psd-17371, being a portion of lot No. 5018 of the cadastral survey of Camalig, G.L.R.O. cadastral record No. 465), situated in the barrio of Tagaytay, municipality of Camalig, Albay. Bounded on the N., by lot No. 5020-A of plan Psd—; on the NE., by lot No. 5018-B of the subdivision plan; on the SW., and NW., by lot No. 5020-A of plan Psd—; containing an area of 2,780 square meters, more or less.

A parcel of land (lot No. 5020-A of the subdivision plan Psd-17371, being a portion of lot No. 5020 of the cadastral survey of Camalig, G.L.R.O. cadastral record No. 465), situated in the barrio of Tagaytay, Camalig, Albay. Bounded on the NE., by lots Nos. 5020-C of the subdivision plan and 5018-A of plan Psd—; on the SE., by lot No. 5018-A of plan Psd—; and creek; on the SW., by lots Nos. 5020-B of the subdivision plan, 5016-A of plan Psd—; and 5014-A of plan Psd—; and on the NW., by lot 5014-A of plan Psd—; containing an area of 11,068 square meters, more or less.

Now, therefore, you are hereby given notice that said petition will be heard on March 29, 1951, at

8 a. m., before this court, branch I, at Legaspi City, on which date, hour and place you must appear and file your opposition if you have any, to the said petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent to each of the owners of the lands adjoining to the lands described above at the expense of the petitioner all by registered mail and be posted in the main entrance of the provincial building and of the municipal building of Camalig, Albay, at least 30 days before the date of hearing.

Witness the Hon. Juan R. Liwag, judge of this court, this 6th day of November, 1950, at Legaspi City.

JUSTINO BALDE
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Negros Occidental
Twelfth Judicial District

Cadastral Case No. 5, G.L.R.O. Cad. Record No. 72, Lots Nos. 24, 26 and 203, La Carlota Cadastre

Petition for reconstitution of Certificates of Title under Republic Act No. 26.—AUGUSTO J. LOCSIN, petitioner.

NOTICE

To Vicente Ferrer and Claudio Lopez, Rizal St., La Carlota, Negros Occidental, Municipal Government of La Carlota, % The Municipal Mayor, Teodoro Baltazar, Hermenegildo Boneta, Ynchausti & Company, all of La Carlota, Negros Occidental; and to all whom it may concern:

Whereas, a petition has been filed with this court under the provisions of Republic Act No. 26, by Augusto J. Locsin of La Carlota, Negros Occidental, for the reconstitution of the originals as well as the owner's duplicates of original certificates of title Nos. 4616, 6594 and transfer certificate of title No. 4588, registered in the name of the above-named petitioner by the register of deeds of this province, alleged to have been lost or destroyed in the office of said register of deeds, covering real property (known as lots Nos. 24, 203 and 26, all of La Carlota cadastre), situated in the municipality of La Carlota, Negros Occidental, said lots being more particularly described and bounded as follows:

A parcel of land (lot No. 24 of the cadastral survey of La Carlota), with the improvements thereon, situated in the municipality of La Carlota. Bounded on the N. by lot No. 364 (owned by the municipal government); on the E. by lots Nos. 1029 and 1050 (owned by V. Ferrer and C. Lopez); on the S. by Calle Rizal; and on the W. by Calle Jerez * * *; containing an area of 1,299 square meters, more or less.

A parcel of land (lot No. 203 of the cadastral survey of La Carlota), with the improvements thereon, situated in the municipality of La Carlota. Bounded on the N. by lot No. 204 (owned by Teodoro Baltazar); on the E. by Calle Burgos; on the S. by lots Nos. 1041 and 1042 (owned by Hernanegildo Boneta); and on the W. by lot No. 274 * * *; containing an area of 2,259 square meters, more or less.

A parcel of land (lot No. 26 of the cadastral survey of La Carlota), with the improvements thereon, situated in the municipality of La Carlota. Bounded on the N. by lots Nos. 1029 and 364; on the E. by Calle Yunque; on the S. by Calle Rizal; and on the W. by lot No. 1050 * * *; containing an area of 720 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on April 26, 1951 at 8:30 a.m., before the fourth branch of this court in the provincial capitol of this province, on which date, time and place you should appear and file your claims or objections if you have any, to the petition.

Witness the Hon. Lorenzo C. Garlitos, judge of said court, the 9th day of February, 1951.

JOSE AZCONA
Clerk of Court

[2, 3]

Republic of the Philippines
In the Court of First Instance of Zamboanga
Sixteenth Judicial District
Dipolog

(Homestead Patent No. 53046)

HILARION SABILLANO, petitioner

NOTICE OF HEARING

To Prudencio Mercado, Fausto Macalitong, Nicolas Macalitong, and Ines Marababol, all these in Aurura, Zamboanga, and to all whom it may concern:

Whereas, a petition has been filed in this court under the provisions of Republic Act No. 26, by Hilarion Sabillano praying for the reconstitution of original certificate of title No. 2720 in the name of Hilarion Sabillano by the register of deeds of the Province of Zamboanga, alleged to have been lost and/or destroyed during the last war, covering real property situated in Aurura, Zamboanga, said land being more particularly described and bounded as follows:

North—Gubaan River;
East—Prudencio Mercado;
Southwest—Fausto Macalitong and Nicolas Macalitong and
Northwest—Ines Marababol.
Containing an area of 209,582 square meters more or less.

Therefore, you are hereby given notice that the petition has been set for hearing on August 18, 1951, at 8:30 o'clock in the morning, before this court at the provincial capitol of Dipolog, Zamboanga, on which date, time and place you should appear and file your claims or objections, if any you have, to the petition.

Witness the Hon. Patricio C. Ceniza, judge of said court, this 14th day of February, 1951.

[2, 3]

V. S. CONCHA
Deputy Clerk of Court

Republic of the Philippines
In the Court of First Instance of Zamboanga
Sixteenth Judicial District
Dipolog

Cadastral Case No. 2, G.L.R.O. Record No. 77, Lots Nos. 948 and 949

MANUEL D. DALMAN, petitioner

NOTICE OF HEARING

To Mercedes Bagaipo, Timoteo Anoba, Maximo Cardenas and the Heirs of Eleuterio Barinaga, all these in Dipolog, Zamboanga, and to all whom it may concern:

Whereas, a petition has been filed with this Court under the provisions of Republic Act No. 26, by Manuel D. Dalman praying for the reconstitution of original certificate of title Nos. 6405 and 6115 in the names of Eleuterio Barinaga and Timoteo Anoba respectively by the register of deeds of the Province of Zamboanga, alleged to have been lost and/or destroyed during the last war, covering real property situated in the municipality of Dipolog, Province of Zamboanga, said land being more particularly described and bounded as follows:

For lot No. 948:

Northeast—Mercedes Bagaipo;
Southeast—Timoteo Anoba;
Southwest—Calle San Vicente; and
Northwest—Calle Guadalupe.
Containing an area of 432 square meters, more or less.

For lot No. 949:

Northwest—Maximo Cardenas;
Southeast—Calle Santa Lucia;
Southwest—Calle San Vicente; and
Northwest—Eleuterio Barinaga.
Containing an area of 475 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on August 18, 1951, at 8:30 o'clock in the morning, before this Court at the provincial capitol of Dipolog, Zamboanga, on which date, time and place you should appear and file your claims or objections if you have any to the petition.

Witness the Hon. Patricio C. Ceniza, judge of this court, this 14th day of February, 1951.

[2, 3]

V. S. CONCHA
Deputy Clerk of Court

Republic of the Philippines
In the Court of First Instance of Albay
Tenth Judicial District

Cadastral Case No. RT-172, G.L.R.O. Record No. 465, re-Lots Nos. 5966-A, 6173-A, 6506-A, 6164-A, 6182-A, 6498-A and 6165-A.

THE DIRECTOR OF LANDS, claimant, *versus* MANILA RAILROAD COMPANY, petitioner

NOTICE

To The Manila Railroad Company, Manila; Bernabela Ortonio, Juan Mojár, Juana Nieves, Martin Guerrero, Bernardino Manrique, Juan N. Mojár, Lorenzo Sabdao and Angela de Homado, all of Camalig, Albay; and to all whom it may concern:

Whereas, a petition has been filed in this court under the provisions of Republic Act No. 26 by the Manila Railroad Company, praying for the reconstitution of transfer certificates of title Nos. 2495, 2499, 2501, 2503, 2280, 2278 and 2896 covering lots Nos. 5966-A, 6173-A, 6506-A, 6164-A, 6182-A, 6498-A and 6165-A, respectively, of the cadastral survey of Camalig, Albay, situated in the barrio of Gapo, Camalig, Albay, in the name of the herein petitioner, for the reason that the owner's duplicate copies of said transfer certificates of title which were kept in the vaults of the Engineering Department of the Manila Railroad Company and also the originals kept on file in the office of the register of deeds of Albay, were lost and completely destroyed as a consequence of the last war. Said lots are described as follows:

A parcel of land (lot No. 5966-A of the subdivision plan Psd-6094 (Swo-23373), being a portion of lot No. 5966 of the cadastral survey of Camalig, Albay, G.L.R.O. record No. 465), situated in the barrio of Gapo, Camalig, Albay. Bounded on the E. by Lagnatang River; on the S. by lot No. 5966-B of the subdivision plan Psd-6094 (Swo-23373); and on the NW. by lot No. 6161 of the cadastral survey of Camalig (property of the Manila Railroad Company); containing an area of 697 square meters, more or less.

A parcel of land (lot No. 6173-A of the subdivision plan Psd-6096 (Swo-23374), being a portion of lot No. 6173 of the cadastral survey of Camalig, G.L.R.O. Record No. 465), situated in the barrio of Gapo, Camalig, Albay. Bounded on the NE. by lot No. 6173-B of the subdivision plan Psd-6096 (Swo-23374); on the E., and SE., by Quicambal Creek; and on the SW. by lot No. 5965-A of plan Psd-6095 (property of the Manila Railroad Company); containing an area of 727 square meters, more or less.

A parcel of land (lot No. 6506-A of the subdivision plan Psd-6934 (Swo-23379), being a portion of lot No. 6506 of the cadastral survey of Camalig, G.L.R.O. cadastral record No. 465), situated in the barrio of Quiragnay, Camalig, Albay. Bounded on the E. by Quibuntag River; on the SE. by lot No. 6506-B of the subdivision plan Psd-6934 (Swo-23379); on the W. by lot No. 6505-A of plan Psd-6934 (Swo-23379); on the W. by lot No. 6505-A of plan Psd-6934 (property of the Manila Railroad Company); and on the NW. by lot No. 6660 of the cadastral survey of Camalig (property of the Manila Railroad Company); containing an area of 735 square meters, more or less.

A parcel of land (lot No. 6164-A of the subdivision Psd-6103 (Swo-23377), being a portion of lot No. 6164 of the cadastral survey of Camalig, G.L.R.O. record No. 465), situated in the barrio of Gapo, Camalig, Albay. Bounded on the NE. by lot No. 6164-C of the subdivision plan Psd-6103 (Swo-23377) and lot No. 6163 of the cadastral survey of Camalig (property of Manila Railroad Company); on the SE. by lot No. 5817-A of plan Psd-6105 (property of Manila Railroad Company); on the SW. by lot No. 6164-B of the subdivision plan Psd-6103 (Swo-23377) and lot No. 5961-A of plan Psd-6102 (property of the Manila Railroad Company); and on the NW. by lots Nos. 5961-A of plan Psd-6102 and 6165-A of plan Psd-6104 properties of the Manila Railroad Company); containing an area of 2,891 square meters, more or less.

A parcel of land (lot No. 6182-A of the subdivision plan Psd-6100 (Swo-23376), being a portion of lot No. 6182 of the cadastral survey of Camalig, G.L.R.O. record No. 465), situated in the barrio Gapo, Camalig, Albay. Bounded on the NE. by lot No. 6182-B of the subdivision plan Psd-6100 (Swo-23376) on the SE. and SW. by a creek; and on the NW. by lot No. 5963-B of plan Psd-6098 (property of the Manila Railroad Company); containing an area of 61 square meters, more or less.

A parcel of land (lot No. 6498-A of the subdivision plan Psd-6097 (Swo-23375), being a portion of lot No. 6498 of the cadastral survey of Camalig, G.L.R.O. record No. 465), situated in the barrio of Gapo, Camalig, Albay. Bounded on the NE. by lot No. 6498-B of the subdivision plan Psd-6097 (Swo-23375) on the SE. by lot No. 5964-A of plan Psd-6091 (property of the Manila Railroad Company); on the SW. by lot No. 5963-A of plan Psd-6098 (property of the Manila Railroad Company); and on the NW. by Quicambal Creek; containing an area of 406 square meters, more or less.

A parcel of land (lot No. 6165-A of the subdivision plan Psd-6104 (Swo-23378), being a portion of lot No. 6165 of the cadastral survey of Camalig, Albay, G.L.R.O. record No. 465) situated

in the barrio of Gapo, Camalig, Albay. Bounded on the NE. by lot No. 6165-B of the subdivision plan Psd-6104 (Swo-23378); on the SE. by lot 6164-A of plan Psd-6103 (property of Manila Railroad Company); and on the SW. by lot No. 5961-A of plan Psd-6102 (property of the Manila Railroad Company); containing an area of 5 square meters, more or less.

Now, therefore, you are hereby given notice that said petition will be heard on March 29, 1951, at 8 a.m., before this Court, Branch 1, at Legaspi City, on which date, hour and place you must appear and file your opposition if any you have, to the said petition.

Let this notice be published in two successive issues of the *Official Gazette* and a copy of same be sent by registered mail to each of the owners of the lands adjoining to the lands described above at the expense of the petitioner, and be posted in the entrance of the provincial building and of the municipal building of Camalig, Albay, at least 30 days prior to the date of hearing.

Witness the Hon. Juan R. Liwag, judge of this court, this 3rd day of January, 1951, at Legaspi City.

JUSTINO BALDE
Clerk of Court

[2, 3]

General Land Registration Office

IN THE COURT OF FIRST INSTANCE, PROVINCE OF CAMARINES SUR

Land Registration Case No. 302. G.L.R.O. Record No. 2955

JOSE NEPOMUCENO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, the Director of Forestry and the Manager of the Manila Railroad Co., Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Naga City; the Municipal Mayor, the heirs of Eutiquio Perfecto, Juan Bagayawa, Policarpo Turiano, the heirs of Bruno Nueva, Gregoria Ibarreta, Aniceta Lamiel % Jose Alvarez, Severo Ly Wee Hong % heirs of Severo Ly Wee Hong and Cornelia de Villa, Iriga, Camarines Sur; and to all whom it may concern:

Whereas, an application has been presented to this Court by Jose Nepomuceno, Iriga, Camarines Sur, to register and confirm his title to the following properties:

Four parcels of land with the buildings and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-121615, sheet No. 1), situated in the poblacion, municipality

the NE. by the Mayor Street; on the SE. by property of the heirs of Eutiquio Perfecto; on the SW. by the Washington Street; and on the W. by property of the Manila Railroad Company. Point 1 is S. $89^{\circ} 01'$ W., 235.18 meters from B.L.L.M. No. 1, Iriga, Camarines Sur. Area 255 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-121615, sheet No. 2), situated in the barrio of San Nicolas, municipality of Iriga, Province of Camarines Sur. Bounded on the NE. by property of Policarpo Turiano; on the SE. by property of the heirs of Bruno Nueva; on the SW. by the national road to Naga; and on the NW. by property of Gregoria Ibarreta. Point 1 is S. $20^{\circ} 23'$ E., 503.41 meters from B.L.B.M No. 1, San Nicolas, Iriga, Camarines Sur. Area 651 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-121615, sheet No. 1), situated in the poblacion, municipality of Iriga, Province of Camarines Sur. Bounded on the NE. by property of Aniceta Lamiel; on the SE. by lot No. 4; and on the SW. and NW. by property of Severo Ly Wee Hong. Point 1 is N. $64^{\circ} 11'$ E., 244.51 meters from B.L.L.M. No. 1, Iriga, Camarines Sur. Area 477 square meters, more or less.

4. A parcel of land (lot No. 4, plan Psu-121615, sheet No. 1), situated in the poblacion, municipality of Iriga, Province of Camarines Sur. Bounded on the NE. by property of Aniceta Lamiel; on the SE. by the provincial road to Naga; on the SW. by property of Severo Ly Wee Hong; and on the NW. by lot No. 3. Point 1 is N. $64^{\circ} 11'$ E., 244.51 meters from B.L.L.M. No. 1, Iriga, Camarines Sur. Area 24 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the City of Naga, Philippines, on the 17th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose N. Leuterio, judge of said court, the 26th day of October, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF CAMARINES SUR

Land Registration Case No. 319. G.L.R.O. Record No. 3183

REVEREND FRANCISCO G. BANAUA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, the Director of

Provincial Fiscal and the District Engineer, Naga City; the Municipal Mayor, Juan Vite, Cenon Amon, Vito Borja, Restituto Muñez, the heirs of Jesus Salazar, Juan Coronel, Tomas Modino, Eusebio Masacul, Oscar Pascual, Eustaquia Sibulo, Macario Latumbo, Nicasio Orias, Maximo Paradela, Tomas Jurado, Brigida Calinog, Lino Jurado, Claudio Molleda and Esteban Atacador, San Fernando, Camarines Sur; and to all whom it may concern:

Whereas, an application has been presented to this Court by Rev. Francisco G. Banaua, Sipocot, Camarines Sur, through the Atty. Jose R. Luntok, Naga City, to register and confirm his title to the following properties:

Two parcels of land, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-125286), situated in the barrio of Del Rosario, municipality of San Fernando, Province of Camarines Sur. Bounded on the NE. by properties of Juan Vite, Cenon Amon, Vito Borja, Restituto Muñez, the heirs of Jesus Salazar and Juan Coronel; on the SE. by properties of Tomas Modino, Eusebio Masapul, Oscar Pascual, Eustaquia Sibulo, Macario Latumbo, Nicasio Orias and Maximo Poradela; on the SW. by properties of the heirs of Jesus Salazar and Vito Borja; and on the NW. by property of Tomas Jurado. Point 1 is S. $61^{\circ} 37'$ W., 84.94 meters from B.L.L.M. No. 4, San Fernando, Camarines Sur. Area 100,241 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-125286), situated in the barrio of De Las Almas, municipality of San Fernando, Province of Camarines Sur. Bounded on the N. by property of Brigida Calinog; on the SE. and S. by property of Lino Jurado; on the SW. by property of Claudio Molleda; and on the NW. by property of Esteban Atacador. Point 1 is N. $80^{\circ} 45'$ W., 1,013.16 meters from B.L.L.M. No. 4, San Fernando, Camarines Sur. Area 14,409 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the City of Naga, Philippines, on the 17th day of April, 1951 at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose T. Surtida, judge of said court, the 12th day of October, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

Chief of the General Land

IN THE COURT OF FIRST INSTANCE, PROVINCE OF
CAMARINES SUR

Land Registration Case No. 320. G.L.R.O Record No. 3218

SALVADOR TEOXON ET AL., applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Naga City; the Municipal Mayor, Alberto Arcilla, Rosario Alarcon, Hermogenes Lijarde, Juliana Alarcon and Veronica Narvaez, Caramoan, Camarines Sur; Consolacion Siñar, Francisca Boayes, Edela Peñera and Maximiliano Cea, Daet, Camarines Norte; and to all whom it may concern:

Whereas, an application has been presented to this Court by Salvador Texon, Emilia Texon de Boayes, Domingo Texon and Rosario Texon de Cea, Daet, Camarines Norte, through their representative Francisco Boayes, Daet, Camarines Norte, to register and confirm their title to the following property:

A parcel of land (plan Psu-124853), situated in the poblacion, municipality of Caramoan, Province of Camarines Sur. Bounded on the N. by properties of Rosario Alarcon and Hermogenes Lijarde and Juliana Alarcon; on the E. and SE. by property of Veronica Narvaez; on the S. by the Alvarez Street; and on the W. by the Real Street. Point 1 is S. $0^{\circ} 57'$ W., 48.28 meters from B.L.L.M. No. 1, Caramoan, Camarines Sur. Area 672 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the City of Naga, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose N. Leuterio, judge of said court, the 28th day of October, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

IN THE COURT OF FIRST INSTANCE, PROVINCE OF MISAMIS ORIENTAL

Land Registration Case No. 19. G.L.R.O. Record No. 3474

JESUS CHAVES and VICENTA V. DE CHAVES,
applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Cagayan de Oro City; the Municipal Mayor, Domingo Valmores and Chan Wing, Balingasag, Misamis Oriental; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Jesus Chaves and Vicenta V. de Chaves, Balingasag, Misamis Oriental, to register and confirm their title to the following property:

A parcel of land (plan Psu-125384), with the improvements thereon, situated in the poblacion, municipality of Balingasag, Province of Misamis Oriental. Bounded on the NE. by property of Domingo Valmores; on the SE. and SW. by the municipal roads; and on the NW. by property of Jesus Chaves. Point 1 is S. $88^{\circ} 26' E.$, 914.38 meters from B.L.L.M. No. 2, Balingasag, Misamis Oriental. Area 208 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance Misamis Oriental, at its session to be held in Cagayan de Oro City, Philippines, on the 18th day of April, 1951, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Primitivo L. Gonzales, judge of said court, the 14th day of September, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 3. G.L.R.O. Record No. 9268

ROMAN CATHOLIC ARCHBISHOP OF MANILA,
applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director

the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor and Pedro Salao, Malabon, Rizal; Francisco Gozon y Sta. Maria % Fernando Gozon, Avenida Rizal, Malabon, Rizal; Jovita Policarpio and Timoteo Policarpio, 501 A. Mabini St., Caloocan, Rizal; Agustin Sevilla and Benigno Sevilla, Tinajeros, Malabon, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by the Roman Catholic Archbishop of Manila, Manila, through the Atty. La O & Feria % Philippine Trust Co., Plaza Goiti, Manila, to register and confirm its title to the following properties:

Two parcels of land with the improvements thereon, situated in the barrio of Tinajeros, municipality of Malabon, Province of Rizal, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 6, plan Rs-228-Amd.). Bounded on the NE. by property of the Roman Catholic Archbishop of Manila and the Polo-Calocan provincial road; on the SE. by the Hucay Lupa Creek and properties of Benigno Sevilla et al. and Timoteo Policarpio; on the SW. by properties of Timoteo Policarpio, Jovita Policarpio and Agustin Sevilla et al. and a creek (no name); and on the NW. by a road to Malabon. Point 1 is N. $42^{\circ} 25' E.$, 1,991.50 meters from B.L.L.M. No. 1, Malabon. Area 111,470 square meters, more or less.

2. A parcel of land (lot No. 11, plan Rs-228-Amd.). Bounded on the NE. by the Tinajeros River and property of Francisco Gozon y Sta. Maria; on the SE. by a road to Malabon; on the SW. by property of Francisco Gozon and Pedro Salao; and on the NW. by the Tinajeros River. Point 1 is N. $24^{\circ} 52' E.$, 1,723.96 meters from B.L.L.M. No. 1, Malabon. Area 94,022 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Pasig, Province of Rizal, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Demetrio B. Encarnacion, judge of said court, the 1st day of November, in the

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest: ENRIQUE ALTAVAS
Chief of the General Land Registration Office
 [1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 84. G.L.R.O. Record No. 703

LUZ S. HERNANDEZ, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal, the District Engineer, the Municipal Mayor, Mariano de la Paz, Paz Reyes, Bernabe Bugnot y Dolores, Florencia Asuncion, Egmidio Jose, Ambrosio Santisteban, Teofista San Juan, Francisco Sta. Ana, Venancio Reyes, Isidro Victorio, Pedro Roque, Candelaria Javier, Maria Javier, Francisca Alvarez, Pedro Santos and wife, Benito Vega, Lorenzo Victorio, Diosdado Martin, Aquilino Esguerra, Epifania Carlos and Pedro Tech, Pasig, Rizal; Narcisa Tangco and Nicolasa Manalo, Pateros, Rizal; and Cayetano Santos, San Joaquin, Pasig, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Luz S. Hernandez, 54 H. Santos, Makati, Rizal, through the Atty. Moises O. Bontoc, 519 P. Burgos St., Rizal City, to register and confirm her title to the following property:

A parcel of land (plan Psu-116475), with the improvements thereon, situated in the barrio of Caniogan, municipality of Pasig, Province of Rizal. Bounded on the NE. by properties of Crisanto del Rosario, Antonio Quiogue, Victor Tibay and Benito Reyes; on the SE. by property of Ramon de Leon; on the SW. by a callejon; and on the NW. by property of Pantaleona Gatchalian. Point 1 is N. 5° 33' W., 1,060.98 meters from B.L.L.M. No. 1, Pasig. Area 545 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Pasig, Province of Rizal, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Demetrio B. Encarnacion, judge of said court, the 27th day of November, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 377. G.L.R.O. Record No. 3094

CEFERINO MANALO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal, the District Engineer, the Municipal Mayor, Mariano de la Paz, Paz Reyes, Bernabe Bugnot y Dolores, Florencia Asuncion, Egmidio Jose, Ambrosio Santisteban, Teofista San Juan, Francisco Sta. Ana, Venancio Reyes, Isidro Victorio, Pedro Roque, Candelaria Javier, Maria Javier, Francisca Alvarez, Pedro Santos and wife, Benito Vega, Lorenzo Victorio, Diosdado Martin, Aquilino Esguerra, Epifania Carlos and Pedro Tech, Pasig, Rizal; Narcisa Tangco and Nicolasa Manalo, Pateros, Rizal; and Cayetano Santos, San Joaquin, Pasig, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Ceferino Manalo, San Joaquin, Pasig, Rizal, to register and confirm his title to the following properties:

Three parcels of land with the improvements thereon, situated in the barrio of Pinagbuhatan, municipality of Pasig, Province of Rizal, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-118101). Bounded on the NE. by property of Narcisa Tangco, lot No. 4 (Paz Reyes), lot No. 3, property of Diosdado Martin, lot No. 5 (Aquilino Esguerra) and properties of Benito Vega, Pedro Santos and Francisca Alvarez, Pedro Santos vs. Mariano de la Paz, Nicolasa Manalo, Maria Javier, Candelaria Javier, Pedro Roque and Isidro Victorio; on the SE. by property of Isidro Victorio; on the S. by the Ilugin Creek, the Nagpagong Creek, property of Venancio Reyes, lot No. 2, a dry creek and properties of Egmidio Jose, Florencia Asuncion and Bernabe Bugnot y Dolores (now) Egmidio Jose; and on the NW. by the Pinagbuhatan River. Point 1 is S. 64° 40' E., 493.62 meters from B.L.L.M. No. 6, Pasig, Rizal. Area 105,813 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-118101). Bounded on the NE. by lot No. 1 and the Nagpagong Creek; on the SE. by properties of Venancio Reyes and Severino Magsajo; on the SW. by properties of Severino Magsajo, Teofista San Juan and Ambrosio Santisteban; and on the NW. by property of Egmidio Jose. Point 1 is S. 36° 11' E., 1,104.44 meters from B.L.L.M. No. 6, Pasig, Rizal. Area 22,971 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-118101). Bounded on the NE. by property of Aquilino

No. 6, Pasig, Rizal. Area 736 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Pasig, Province of Rizal, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Demetrio B. Encarnacion, judge of said court, the 24th day of November, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 422. G.L.R.O. Record No. 3524

FRANCISCO D. SANTANA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal, the District Engineer, the Municipal Mayor, Cipriano Perez, Clara Sta. Ana, the heirs of Ambrocio Santisteban, represented by Rosa Santisteban, Irineo Felix and Zacarias Castillo, Pasig, Rizal; the Municipal Mayor, Agustina Cruz, represented by Melquiades Cruz and Maximo Francisco, Cainta, Rizal; the Municipal Mayor, Severino Quiogue, Nicolasa Borja, Quintin Borja, the heirs of Pedro Tuazon, Ambrosia Mariano, Juan Salonga and Melchor Salonga, Pateros, Rizal; Maximo Montefalcon, Marcos Cayton, Tomasa Peras, Francisco Amorosa, Agustin Lorenzo, Justa Santos, Lorenzo Villanueva, Ana Punsalan, Tecla Asuncion, the heirs of Esteban Santos, represented by Rosario Santos, Rosendo Flores, Francisco Marcelo, Felipa Ungco, Ana Cruz, Leocadia Santos, Perfecto Matias, Sixto Matias, and Santos C. Ang, Buting, Pasig, Rizal; Anita Cruz and Francisco Dimanlig, Antipolo, Rizal; Flaviano Reyes and Pelagia Raymundo, San Mateo, Rizal; Francisca Saquitan and Manuel Concepcion, represented by Constancio Concepcion, Malinaw, Pasig, Rizal; Ariston Lorenzo, Francisco Darugo, Agripina Cleofas, Nicolas Tuazon, Agapita Tuazon, Isidro Samaniego, Agapito Gonzales, Petronila Silva, Leoncio Monsod, Marcos Santos, Alfredo Cortes, Albina Aviles and the heirs of Segundo Tuazon, Sto. Domingo, Rizal; and the heirs of

Joaquin, Pasig, Rizal; Catalina Reyes, Alcalde Jose, Pasig, Rizal; and Felisa Diaz, San Nicolas, Pasig, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Francisco D. Santana, Alcalde Jose, Pasig, Rizal, through the Atty. Jose P. Santos, 5 P. Burgos, Pasig, Rizal, to register and confirm his title to the following properties:

Ten parcels of land more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-111254), situated in the barrio of Caralañgan, municipality of Cainta, Province of Rizal. Bounded on the N. by property of Anita Cruz; on the SE. by the Sapang Caralangan and properties of Clara Sta. Ana, Felisa Diaz, Agustina Cruz and Francisco Dimanlig; on the S. by property of Maximo Francisco; on the SW. by properties of Flaviano Reyes and Pelagia Raymundo and Quintin Borja; and on the W. by a drainage ditch and properties of Nicolasa Borja, Maximo Francisco and the heirs of Ambrocio Santisteban; and on the NW. by properties of Cipriano Perez and Maximo Francisco. Point 1 is S. 33° 53' E., 2,761.60 meters more or less from B.L.B.M. No. 2, Rosario, Pasig (marked B.L.L.M. No. 2, Rosario). Area 39,631 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-111254), situated in the barrio of Caralañgan, municipality of Cainta, Province of Rizal. Bounded on the N. by property of the heirs of Ambrocio Santisteban; on the E. and SE. by property of Francisco Dimanlig; on the S. by the Cainta River; and on the NW. by the Sapang Caralañgan and property of Felisa Diaz. Point 1 is S. 36° 35' E., 3,146.79 meters more or less from B.L.B.M. No. 2, Rosario, Pasig, (marked B.L.L.M. No. 2, Rosario). Area 3,051 square meters, more or less.

3. A parcel of land (lot No. 1, plan Psu-98905), situated in the barrio of Buting, municipality of Pasig, Province of Rizal. Bounded on the NE. by a callejon and properties of Francisco Amorosa, Tomasa Peras, Agustin Lorenzo and Justa Santos and Manuel Concepcion; on the SE. by properties of Manuel Concepcion and Zacarias Castillo (now) Francisco D. Santana; and on the W. and NW. by property of Francisca Saquitan. Point 1 is S. 66° 43' W., 781.66 meters more or less from B.L.L.M. No. 2, Pasig. Area 54,789 square meters, more or less.

4. A parcel of land (lot No. 2, plan Psu-98905), situated in the barrio of Buting, municipality of Pasig, Province of Rizal. Bounded on the N. by property of Maximo Montefalcon; on the E. by property of Francisca Saquitan; on the S. by properties of Maximo Montefalcon and Ireneo Felix (now) Francisco D. Santana; on the SW. by property of Ireneo Felix (now) Francisco Santana;

812.54 meters more or less from B.L.L.M. No. 2, Pasig. Area 6,892 square meters, more or less.

5. A parcel of land (lot No. 1, plan Psu-115516), situated in the barrio of Buting, municipality of Pasig, Province of Rizal. Bounded on the NE. and SE. by property of Francisco D. Santana; on the SW. by properties of Maximo Montefalcon and Francisco D. Santana; and on the NW. by property of Maximo Montefalcon. Point 1 is S. $67^{\circ} 56'$ W., 812.54 meters from B.L.L.M. No. 2, Pasig, Rizal. Area 12,814 square meters, more or less.

6. A parcel of land (lot No. 2, plan Psu-115516), situated in the barrio of Buting, municipality of Pasig, Province of Rizal. Bounded on the NE. by properties of Maximo Montefalcon and Francisco D. Santana; on the SE. and SW. by property of Francisco D. Santana; and on the NW. by property of Severino Quiogue and lot No. 3. Point 1 is S. $68^{\circ} 21'$ W., 862.26 meters from B.L.L.M. No. 2, Pasig, Rizal. Area 4,364 square meters, more or less.

7. A parcel of land (lot No. 3, plan Psu-115516), situated in the barrio of Buting, municipality of Pasig, Province of Rizal. Bounded on the N. by property of Maximo Montefalcon; on the SE. by lot No. 2 and property of Severino Quiogue; on the S. by property of Francisco D. Santana; on the W. by properties of Francisco Marcelo, Lorenzo Villanueva, Ana Punzalan and the heirs of Esteban Santos; and on the NW. by properties of Rosendo Flores, Tecla Asuncion, Severino Quiogue and Maximo Montefalcon. Point 1 is S. $73^{\circ} 57'$ W., 943.71 meters from B.L.L.M. No. 2, Pasig, Rizal. Area 13,273 square meters, more or less.

8. A parcel of land (lot No. 1, plan Psu-126092), situated in the barrio of Sto. Rosario, municipality of Pateros, Province of Rizal. Bounded on the N. by property of Francisco D. Santana; on the NE. by properties of Francisco D. Santana and Francisco D. Santana (now) Francisca Saquitan and Tomas Concepcion (before); on the E. by property of Francisco D. Santana (now) Maximo Montefalcon (before); on the S. by property of Francisco D. Santana (now) Zacarias Castillo (before); on the W. by property of Felipa Ungco; and on the NW. by properties of Leocadia Santos, Perfecto Matias and Sixto Matias, Ana Cruz, Santos C. Ang and Francisco Marcelo and Francisco D. Santana. Point 1 is N. $46^{\circ} 38'$ W., 1,224.64 meters from B.L.L.M. No. 1, Pasig, Rizal. Area 22,485 square meters, more or less.

9. A parcel of land (lot No. 2, plan Psu-126092), situated in the barrio of Sto. Rosario, municipality of Pateros, Province of Rizal. Bounded on the N. by property of Francisco D. Santana; on the SE. by properties of Nicolas Tuazon and Agripina Cleofas; on the SW. by the Sto. Rosario Street and property of Ariston Lorenzo; and on the NW. by properties of Francisco Darugo and Ambrosia Mariano. Point 1 is S. $51^{\circ} 32'$ W., 1,434.67 meters

from B.L.L.M. No. 1, Pasig, Rizal. Area 5,677 square meters, more or less.

10. A parcel of land (plan Psu-58882), situated in the barrio of Sto. Rosario, municipality of Pateros, Province of Rizal. Bounded on the NE. by properties of Francisca Saquitan and Manuel Concepcion; on the SE. by properties of the heirs of Segundo Tuazon, Albina, Juan Salonga, Melchor Salonga, and Alfredo Cortes; on the S. by properties of Marcos Santos, Leoncio Monsod, the heirs of Pedro Tuazon and Petronila Silva; on the SW. by properties of Agapito Gonzales, Isidro Samaniego and Agapita Tuazon; and on the NW. by properties of Ambrosia Mariano and Felipa Ungco, a sapa and properties of Ireneo Felix (now) Francisco D. Santana, Maximo Montefalcon and Francisca Saquitan. Point 1 is S. $41^{\circ} 42'$ W., 1,163.51 meters more or less from B.L.L.M. No. 1, Pasig. Area 23,254 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Pasig, Province of Rizal, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Demetrio B. Encarnacion, judge of said court, the 21st day of November, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
[1, 2] Registration Office

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 425. G.L.R.O. Record No. 3610

FRANCISCA MANALO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer Pasig, Rizal; the Municipal Mayor, Pedro Salonga, Lorenzo Placido, Eugenia de Borja, Marcos Ison and Mariano Calderon, Pateros, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Francisca Manalo, T. Sulit Street, Pateros, Rizal, to register and confirm her title to the following property:

A parcel of land (lot No. 3, plan Psu-96786), situated in the barrio of Agoho, municipality of

Pateros, Province of Rizal. Bounded on the NE. by lot No. 1 (Dominga de Luna); on the SE. by lot No. 2 (Dominga de Luna); on the SW. by properties of Marcos Ison and Pedro Salonga; and on the NW. by properties of Lorenzo Placido and Eugenia de Borja. Point 1 is N. $33^{\circ} 06' W.$, 1,546.07 meters more or less from B.L.L.M. No. 1, Tagig. Area 1,093 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Pasig, Province of Rizal, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Demetrio B. Encarnacion, judge of said court, the 1st day of November, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 419. G.L.R.O. Record No. 3521

CRISANTA CRUZ, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Filomena Borromeo, Juana Hipolito, Francisco Manalo, Domingo Santos, Rafael Calayag, the heirs of Cosme Santos, the heirs of Potenciano Gabriel and Luis A. Santos, Navotas, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Crisanta Cruz, Navotas, Rizal, to register and confirm her title to the following properties:

Two parcels of land, situated in the barrio of San Ildefonso, municipality of Navotas, Province of Rizal, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-122849, sheet No. 1). Bounded on the NE. by the L. R. Yangco Street; on the SE. by a callejon; on the SW. by property of Juana Hipolito; and on the NW. by property of Francisco Manalo. Point 1 is S. $30^{\circ} 14' W.$, 489.44 meters from B.L.L.M. No. 1, Malabon, Rizal. Area 90 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-122849, sheet No. 2). Bounded on the NE. by properties of Domingo Santos and Rafael Calayag; on the SE. by the Varadero Street; on the SW. by properties of the heirs of Cosme Santos and Filomena Borromeo; and on the NW. by property of the heirs of Potenciano Gabriel. Point 1 is S. $51^{\circ} 19' W.$, 461.96 meters from B.L.L.M. No. 1, Malabon, Rizal. Area 579 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Caloocan, Province of Rizal, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause if, any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting application or any decree entered thereon.

Witness the Hon. Magno Gatmaitan, judge of said court, the 21st day of November, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 427. G.L.R.O. Record No. 3631

ANGELES M. SIOSON, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Lucio de Guzman, Julia de la Cruz, Pablo Alejandro, Atanacio de Ocampo, the Heirs of Lucio Sioson and Juan de la Cruz, Navotas, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Angeles M. Sioson, Navotas, Rizal, to register and confirm his title to the following property:

A parcel of land (plan Psu-122680), with the improvements thereon, situated in the barrio of

Tanza, municipality of Navotas, Province of Rizal. Bounded on the NE. by a barrio road; on the SE. by property of Pablo Alejandro; on the SW. by properties of Atanacio de Ocampo and the heirs of Lucio Sioson; and on the NW. by property of Juan de la Cruz. Point 1 is N. $40^{\circ} 27' W.$, 2,760.81 meters from B.L.L.M. No. 1, Malabon. Area 327 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Caloocan, Province of Rizal, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Magno Gatmaitan, judge of said court, the 10th day of November, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

Bounded on the NE. by property of Simeona Faustina Naval; on the SE. and SW. by property of Victoriano Sioson et al.; and on the NW. by property of Paz Joson. Point 1 is N. $41^{\circ} 00' W.$, 2,901.73 meters from B.L.L.M. No. 1, Malabon. Area 713 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Caloocan, Province of Rizal, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Magno Gatmaitan, judge of said court, the 10th day of November, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 428. G.L.R.O. Record No. 3632

FERMINA SIOSON ET AL., applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Simeon Leviste, Guillermo Mendoza, Dominador Sumibelon, Marcela Rodriguez, Rosario Victorino, Alfredo Hipana, Francisco Hitega, Rosalina Bernardo, Sabas de Guzman, Calixto Leonardo and Pedro Leonardo, Parañaque, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Fermina Sioson, Atelano Bernabe, Eleuterio Bernabe, Florencia Bernabe, Dominga Bernabe, Gonzalo Bernabe, Francisco Bernabe, Albin Bernabe, Victor Pascual, Trinidad Pascual, Merciana Mañgale, Simeona Mañgale, Sebastian Mañgale, Felipe Mañgale and Isidro Mañgale, Navotas, Rizal to register and confirm their title to the following property:

A parcel of land (plan Psu-13244), with the improvements thereon, situated in the barrio of Tanza, municipality of Navotas, Province of Rizal

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 311. G.L.R.O. Record No. 2498

LINA LICHAUCO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Simeon Leviste, Guillermo Mendoza, Dominador Sumibelon, Marcela Rodriguez, Rosario Victorino, Alfredo Hipana, Francisco Hitega, Rosalina Bernardo, Sabas de Guzman, Calixto Leonardo and Pedro Leonardo, Parañaque, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Lina Lichauco, 20 Valenzuela St., San Juan, Rizal through her attorney-in-fact German Lichauco, 240 Dasmariñas, Manila, to register and confirm her title to the following property:

A parcel of land (plan Psu-121245), situated in the barrio of Tambo, municipality of Parañaque, Province of Rizal. Bounded on the NE. by property of Calixto and Pedro Leonardo; on the SE. by the Parañaque River; on the SW. by property of Jose Gabriel (before) Sabas de Guzman (now) and on the NW. by the Parañaque-Pasay provincial

road. Point 1 is N. $17^{\circ} 12'$ E., 1,522.97 meters from B.L.L.M. No. 1, Parañaque, Rizal. Area 1,728 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in Pasay City, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Bienvenido A. Tan, judge of said court, the 24th day of November, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest: ENRIQUE ALTAVAS
[1, 2] *Chief of the General Land Registration Office*

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 364. G.L.R.O. Record No. 3066

JUAN L. FRANCISCO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, the Director of Forestry and the Rehabilitation Finance Corporation, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Parañaque, Rizal; Esteban Cruz, the heirs of Maximo Rodriguez, Dionisio Tomas and Eladio Garcia, La Huerta, Parañaque, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Juan L. Francisco, Tambo, Parañaque, Rizal, through the Atty. Silverio F. Ingreso, Office of the Mayor, Rizal City, to register and confirm his title to the following property:

A parcel of land (plan Psu-114609), with the improvements thereon, situated in the barrio of Tambo, municipality of Parañaque, Province of Rizal. Bounded on the NE. by the street subdivision; on the E. by the Parañaque River; and on the SW. by properties of the heirs of Narciso Mayuga and Juan L. Francisca. Point 1 is N. $19^{\circ} 47'$ E., 1,761.52 meters more or less from B.L.L.M. No. 1, Parañaque, Rizal. Area 243 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in Pasay City, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Bienvenido A. Tan, judge of said court, the 24th day of November, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest: ENRIQUE ALTAVAS
[1, 2] *Chief of the General Land Registration Office*

IN THE COURT OF FIRST INSTANCE, PROVINCE OF RIZAL

Land Registration Case No. 429. G.L.R.O. Record No. 3633

SIMPILICO ESTANISLAO and VISITACION BAUTISTA, applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Parañaque, Rizal; Esteban Cruz, the heirs of Maximo Rodriguez, Dionisio Tomas and Eladio Garcia, La Huerta, Parañaque, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Simplicio Estanislao and Visitacion Bautista, La Huerta, Parañaque, Rizal, through the Atty. Andres F. Santos, 221 Samanillo Bldg., Escolta, Manila, to register and confirm their title to the following property:

A parcel of land (plan Psu-126735), with the building and improvements thereon, situated in the poblacion, municipality of Parañaque, Province of Rizal. Bounded on the N. by property of the heirs of Maximo Rodriguez; on the E. by the Elevante Street; on the S. by property of Dionisio Tomas; and on the W. by property of Eladio Garcia. Point 1 is N. $10^{\circ} 27'$ E., 133.93 meters from church bell tower, Parañaque, Rizal. Area 93 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in Pasay City, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of

said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Bienvenido A. Tan, judge of said court, the 10th day of November, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF QUEZON

Land Registration Case No. 117. G.L.R.O. Record No. 3327

**RICARDO RENTORIA and NEMESIA MACALINDONG,
 applicants**

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lucena, Quezon; the Municipal Mayor, Rosila Manalo, Gregorio de Gala, Petra Gracia and Purificacion Gonzales, Candelaria, Quezon; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Ricardo Rentoria and Nemesia Macalindong, Candelaria, Quezon, to register and confirm their title to the following properties:

Two parcels of land more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan SWO-18412) (lot No. 2, Psu-52932), situated in the barrio of Pahinga, municipality of Candelaria, Province of Quezon. Bounded on the N. by property of Petra Gracia; on the E. by a barrio road; on the S. by property of Purificacion Gonzales claimed by Gregorio de Gala; and on the SW. by an irrigation canal. Point 1 is S. $83^{\circ} 19'$ W., 3,675.80 meters from P.L.S./B.L. No. 1, Malabanban, Candelaria. Area 23,973 square meters, more or less.

2. A parcel of land (plan Psu-76784), situated in the poblacion, municipality of Candelaria, Province of Quezon. Bounded on the N. by the Cedeño Street; on the E. by the Salazar Street; on the S. by property of Rosila Manalo; and on the W. by the Masin River. Point 1 is N. $1^{\circ} 05'$ E., 323.58 meters from B.L.L.M. No. 6, Candelaria. Area 670 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Quezon, at its session to be

held in the municipality of Lucena, Province of Quezon, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Vicente Santiago, judge of said court, the 14th day of September, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF QUEZON

Land Registration Case No. 118. G.L.R.O. Record No. 3392

CORAZON LOPEZ ET AL., applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal, the District Engineer Primitivo Edaño, Matilde de Villaseñor and Generosa Lopez Vda. de Mendoza, Lucena, Quezon; the Municipal Mayor, Eulalia Palermo, Isabel Banal, Paciencia Banal, Mamerta Banal, Gorgonia Mamerto, Lucia Consulto, Andres Valiente, Venancio Valiente, Urbana Valiente, Filoteo Valiente, Lucia Villareal, Susana Avila, Isidro Avila, Mariano Avila, Jose Carmona, Teodoro Carmona, Jacinto Carmona, Eusebio Rosaldo, Emilio Rosaldo, Melchor Rosaldo, Alfreda Unuico, Feliciana Pronda, Florencia Husana, Numeriano Damian, Rafael Damian, Felicisima Damian, Rosario Avila, Mariano Avila, Ambrocio de Luna, Pablo de la Cruz, Loreto de la Cruz, Romerico de la Cruz, Antonio de la Cruz and Felisa de la Cruz, General Luna, Quezon; Moises Diasanta, Sariaya, Quezon; Guadalupe Palermo, Ilayang Ulongtao, General Luna, Quezon; Faustino Fortaleza, Catanauan, Quezon; Jose Vilva and Trinidad Carmona, Nacoco, Manila; and to all whom it may concern concern:

Whereas, an application has been presented to this Court by Corazon Lopez, Clotilde Lopez and the minors Mario Lopez and Dulce Lopez, represented by their curadora Adlitem, Soledad Abellana, Lucena, Quezon; and Luminosa Lopez, Sariaya, Quezon, through the Atty. Manuel Edaño, Lucena, Quezon, to register and confirm their title to the following property:

A parcel of land (plan Psu-68504), situated in the barrio of Ilayang San Ignacio, municipality of General Luna, Province of Quezon. Bounded on the NE. by properties of Eulalia and Guadalupe Palermo, Isabel, Paciencia and Mamerta Banal. Gorgia Mamerto and Lucia Consulto, Jose Nieva and Trinidad Carmona, Andres, Venancio, Urbana and Filoteo Valiente, Faustino Fortaleza and Lucia Villareal, Susana Avila, Isidro Avila, Rosario Avila and Mariano Avila; on the E. by property of Jose Carmona; on the SE. and S. by the Hingoso River on the SW. by the Hingoso River and property of Teodoro Carmona and Matilde de Villaseñor (Jacinto Carmona); and on the NW. by properties of Eusebio, Emilio and Melchor Rosaldo and Alfreda Unuico, Florencia Husana, Numeriano, Rafael and Felicisima Damian, Ambrosia de Luna and Pablo Loreto, Romerico and Antonio de la Cruz and Felisa de la Cruz and Feliciana Pronda and Generosa Lopez Vda. de Mendoza. Point 1 is N. $41^{\circ} 38'$ E., 3,134.20 meters more or less from P.L.S./L.M. No. 1, Hingoso, Macalelon. Area 873.255 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Quezon, at its session to be held in the municipality of Lucena, Province of Quezon, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Vicente Santiago, judge of said court, the 14th day of September, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*

[1, 2] _____
**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
 QUEZON**

Land Registration Case No. 119. G.L.R.O. Record No. 3393

GERONIMO MAGO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lucena; Quezon; the Municipal Mayor, Juan Gatdula and Epifania Reyes, Candelaria, Quezon; Eugenia Bautista, Remigia Magtibay, Vicente Magtibay, Diosdado Oliva, the heirs

of Cornelia Magtibay and Agatonica Hernandez, San Juan, Batangas; and to all whom it may concern:

Whereas, an application has been presented to this Court by Geronimo Mago, San Juan, Batangas, to register and confirm his title to the following properties:

Two parcels of land, situated in the barrio of San Isidro, municipality of Candelaria, Province of Quezon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 2, plan Psu-40187, sheet No. 2). Bounded on the E. by property of Vicente Magtibay; on the SE. and NW. by properties of Remigia Magtibay; and on the SW. by property of Epifania Reyes. Point 1 is N. $30^{\circ} 11'$ E., 3,912.27 meters more or less from B.L.L.M. No. 2, Bolbok, Batangas. Area 20,000 square meters, more or less.

2. A parcel of land (lot No. 1, plan Psu-40192-Amd.). Bounded on the E. by property of the heirs of Cornelia Magtibay; on the S. by property of Agatonica Hernandez; on the W. by property of Juan Gatdula; and on the NW. by lot No. 2 (property of Diosdado Oliva). Point 1 is N. $34^{\circ} 19'$ E., 3,859 meters from B.L.L.M. No. 2, Bolbok, Batangas. Area 15,104 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Quezon, at its session to be held in the municipality of Lucena, Province of Quezon, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Vicente Santiago, judge of said court, the 14th day of September, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*

[1, 2] _____
**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
 QUEZON**

Land Registration Case No. 120. G.L.R.O. Record No. 3450

ANTONIA ARENA and MARCELINO MORALES,
 applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor,

the Provincial Fiscal and the District Engineer, Lucena, Quezon; the Municipal Mayor, Fidela Tesalona, Ildefonso Zoleta, Honorata Rosales, Pablo Z. Rosales, Atanasio Rosales, Gonzalo Portillano, Macario Arizala, Romualdo Flores desto Veluz, Felipe Diaz, Alipio Adul, Rufino Portillano, Macario Arizala, Romualdo Flores and Sofronio Flores, Mulanay, Quezon; Rosario Tan, General Luna, Quezon; Julio Herera, 1039 Mangahan St., Manila; and Ildefonso Zoleta, Boac, Marinduque; and to all whom it may concern:

Whereas, an application has been presented to this Court by Antonia Arena, Mulanay, Quezon and Marcelino Morales, General Luna, Quezon, through the Atty. Potencian A. Magtibay, Lucena, Quezon, to register and confirm their title to the following property:

A parcel of land (plan Psu-69057) with the buildings and improvements thereon, situated in the barrio of Yuni, municipality of Mulanay, Province of Quezon. Bounded on the NE. by the Sibucao River, the Sapang Himbitin, properties of Fidela Tesalona and Julio Herrera claimed by Fidela Tesalona *vs.* Ildefonso Zoleta and the Kanatad River; on the SE. by the Kanatad River, the Talabahan River and the Yuni River; on the SW. by the Yuni River, property of Honorata Rosales, the public land (Kanbanog Mountains), the public land (Baon Mountains) and the public land (Kantagay Mountains); and on the NW. by properties of Pablo Z. Rosales claimed by Atanasio Rosales and Atanasio Rosales and the Sibucao River. Point 1 is S. $59^{\circ} 51'$ E., 894.54 meters from B.L.B.M. No. 2, Yuni, Mulanay. Area 10,917,845 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Quezon, at its session to be held in the municipality of Lucena, Province of Quezon, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Vicente Santiago, judge of said court, the 14th day of September, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

Chief of the General Land
Registration Office

IN THE COURT OF FIRST INSTANCE, PROVINCE OF BATANGAS

Land Registration Case No. 54. G.L.R.O. Record No. 3566

EMILIA MALABANAN, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Batangas, Batangas; the City Mayor, Dr. Arturo Libre, Remedios Reyes Malabanan and Tarcila Malabanan, Lipa City; Mrs. Amanda Solis Vda. de Silva, 1253 Pennsylvania Avenue, Malate, Manila; and Martina Morcella, Malabanan, Bulacn, Lipa City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Emilia Malabanan, Lipa City, through the Atty. Jose M. Katigbak, Jr., Lipa City, to register and confirm her title to the following property:

A parcel of land (lot No. 9517, Lipa cadastre, plan SWO-26237), with the buildings and improvements thereon, situated in the sitio of Malabanan, barrio of Bulacn, City of Lipa. Bounded on the NE. by the Balayan River; on the SE. by property of Remedios Reyes Malabanan; on the SW. by the Halang Creek and properties of Tarcila and Emilia Malabanan and Amanda Solis Vda. de Silva; and on the NW. by property of Tarcila Malabanan. Point 1 is N. $43^{\circ} 32'$ E., 1,159.61 meters from B.L.L.M. No. 50, Lipa cadastre. Area 667,330 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Batangas, at its session to be held in the City of Lipa, Philippines, on the 18th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Juan P. Enriquez, judge of said court, the 17th day of October, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF PAMPANGA

Land Registration Case No. 78. G.L.R.O. Record No. 3599

GLORIA L. BARTOLOME, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, San Fernando, Pampanga; the Municipal Mayor, Candaba, Pampanga; Modesto Limjoco, Jose E. Pelayo y Hermanos, Limbano Tecson, Jacinto Genuino, Pedro Guevarra, Carlos Limjoco, Julian Culala, Isabel Balagtas, Roman Mañago and Basilio Laurente, Salapungan, Candaba, Pampanga; and Manuel N. Bartolome, 1085 Asuncion St., Extension, Manila; and to all whom it may concern:

Whereas, an application has been presented to this Court by Gloria L. Bartolome, 1085, Asuncion St., Extension, Manila, to register and confirm her title to the following property:

A parcel of land (plan Psu-109895), situated in the barrio of Salapungan, municipality of Candaba, Province of Pampanga. Bounded on the N. by properties of Isabel Balagtas, Roman Mañago and Basilio Laurente; on the NE. by property of Modesto Limjoco; on the E. by property of Jose E. Pelayo y Hermanos; on the S. by the Sapang Campong and property of Limbano Tecson; on the SW. by properties of Jacinto Genuino, Jose E. Pelayo y Hermanos, Pedro Guevarra, Carlos Limjoco and Julian Culala, and a creek; and on the W. by property of Isabel Balagtas. Point 1 is N. $56^{\circ} 41'$ W., 1,631.15 meters more or less from P.B.M. No. 2, San Miguel cadastre No. 196. Area 142,440 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pampanga, at its session to be held in the municipality of San Fernando, Province of Pampanga, Philippines, on the 16th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Francisco Arca, judge of said court, the 26th day of October, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF PAMPANGA

Land Registration Case No. 79. G.L.R.O. Record No. 3600

MELENCO MASANGCAY, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, San Fernando, Pampanga; the Municipal Mayor, Mateo Laquindanum, Jose Quiambao, the heirs of Felipa Lintag, Esperanza Calara and Antonio de la Cruz, Macabebe, Pampanga; Joaquin Gonzales, 2936 Herran St., Manila; and Belen Anicete, San Francisco, Macabebe, Pampanga; and to all whom it may concern:

Whereas, an application has been presented to this Court by Melencio Masangcay, San Francisco, Macabebe, Pampanga, through the Atty. Sofronio Y. Hernandez, San Fernando, Pampanga, to register and confirm his title to the following property:

A parcel of land (plan SWO-24707) (lot No. 3, Psu-123982), situated in the barrio of San Francisco, municipality of Macabebe, Province of Pampanga. Bounded on the NE. by property of Joaquin Gonzales; on the SE. by properties of Joaquin Gonzales and the heirs of Felipa Lintag; on the SW. by property of the heirs of Felipa Lintag; and on the NW. by property of Mateo Laquindanum (Jose Quiambao). Point 1 is S. $77^{\circ} 20'$ W., 4,348.70 meters from B.L.L.M. No. 1, Calumpit. Area 12,697 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pampanga, at its session to be held in the municipality of San Fernando, Province of Pampanga, Philippines, on the 17th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Francisco Arca, judge of said court, the 26th day of October, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

Chief of the General Land
Registration Office

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
ILOILO**

Land Registration Case No. 67. G.L.R.O. Record No. 1707

RAFAELA CAGUAN, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Iloilo City; the municipal Mayor, Leon, Iloilo; the heirs of Prudencio Cajulao % Prudencio Cajulao, the heirs of Pedro Cabaluna % Pedro Cabaluna, Eduviges Cabilitasan, Maxima Caderrama, Ceferina Cansancio, Dionisio Cansancio and Eusebio Canatoy, Afionang, Leon, Iloilo; and to all whom it may concern:

Whereas, an application has been presented to this Court by Rafaela Caguan, Anonang, Leon, Iloilo, through the Atty. Ramon C. Tabiana, 336 Iznart St., Iloilo City, to register and confirm her title to the following properties:

Two parcels of land with the improvements thereon, situated in the barrio of Anonang, municipality of Leon, Province of Iloilo, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-97289). Bounded on the N. by properties of the heirs of Prudencio Cajulao and the heirs of Pedro Cabaluna and lot No. 2; on the SE. by properties of Maxima Caderrama and Ceferina Cansancio; on the S. by property of Dionisio Cansancio; on the SW. by property of Eusebio Canatoy; and on the W. and NW. by the Sibalum River. Point 1 is S. 60° 51' E., 1,128.63 meters more or less from B.L.L.M. No. 1, Leon. Area 94,071 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-97289). Bounded on the N. by property of the heirs of Pedro Cabaluna; and on the SE. and SW. by lot No. 1. Point 1 is S. 71° 26' E., 1,151.81 meters more or less from B.L.L.M. No. 1, Leon. Area 598 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Iloilo, at its session to be held in the City of Iloilo, Philippines, on the 16th day of April, 1951, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Manuel Blanco, judge of said court, the 29th day of August, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

[1, 2]

Chief of the General Land
Registration Office

**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
ILOILO**

Land Registration Case No. 73. G.L.R.O. Record No. 1777

MELQUIADES BABAR, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Iloilo City; the Municipal Mayor, Simplicio Bacabac, Candido Alejandrino, Benito Tugado, Santos Sumabong, Santiago Diacino and Victorino Salcedo, Sara, Iloilo; the heirs of Doroteo Villahermosa % Vicente Villahermosa de Ascalon and Romualda Cruz % Vicenta Villahermosa de Ascalon, Jaro, Iloilo; Alfredo Samson and Isabel Araneta % Alfredo Samson, Molo, Iloilo City; and Agatona Bacabac, Ajuy, Iloilo; and to all whom it may concern:

Whereas, an application has been presented to this Court by Melquiades Babar, Ajuy, Iloilo, through the Atty. Tomas V. Vargas, 11 Jose M. Basa St., Iloilo City, to register and confirm his title to the following properties:

Twelve parcels of land with the buildings and improvements thereon, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-51073), situated in the barrio of Alibayog, municipality of Sara, Province of Iloilo. Bounded on the NE. by property of the heirs of Doroteo Villahermosa (now) Melquiades Babar; on the E. by a trail to Sara; on the SE. by property of the heirs of Doroteo Villahermosa and a trail to Sara; on the SW. by properties of Bruno Fernandez (now) Simplicio Bacabac and heirs of Doroteo Villahermosa (now) Melquiades Babar; on the W. by property of the heirs of Doroteo Villahermosa; and on the NW. by properties of the heirs of Doroteo Villahermosa and heirs of Doroteo Villahermosa (now) Melquiades Babar. Point 1 is S. 52° 20' W., 2,110.29 meters more or less from B.L.L.M. No. 1, Sara. Area 218,164 square meters, more or less.

2. A parcel of land (lot No. 1, plan Psu-110737), situated in the barrio of Alibayog, municipality of Sara, Province of Iloilo. Bounded on the N. by the Lemery-Sara provincial road; on the E. by lot No. 2; on the SE. by property of Melquiades Babar;

on the SW. by property of Romualda Cruz; and on the NW. by property of Candido Alejandrino. Point 1 is S. $69^{\circ} 46'$ W., 2,103.38 meters more or less from B.L.L.M. No. 1, Sara, Iloilo. Area 11,724 square meters, more or less.

3. A parcel of land (lot No. 2, Psu-110737), situated in the barrio of Alibayog, municipality of Sara, Province of Iloilo. Bounded on the N. by the Lemery-Sara provincial road; on the NE. by lot No. 3; on the SW. by property of Melquiades Babar; and on the W. by lot No. 1. Point 1 is S. $69^{\circ} 03'$ W., 1,922.22 meters more or less from B.L.L.M. No. 1, Sara, Iloilo. Area 34,779 square meters, more or less.

4. A parcel of land (lot No. 3, plan Psu-110737), situated in the barrio of Alibayog, municipality of Sara, Province of Iloilo. Bounded on the N. by the Lemery-Sara provincial road; on the NE. by lots Nos. 5, 6, 7, 9, and 8; on the E. by the municipal road; and on the SW. by property of Melquiades Babar and lot No. 2. Point 1 is S. $61^{\circ} 23'$ W., 1,789.08 meters more or less from B.L.L.M. No. 1, Sara, Iloilo. Area 31,001 square meters, more or less.

5. A parcel of land (lot No. 4, plan Psu-110737), situated in the barrio of Alibayog, municipality of Sara, Province of Iloilo. Bounded on the NE., SE. and S. by property of Alfredo Samson; and on the W. by the municipal road. Point 1 is S. $64^{\circ} 02'$ W., 1,685.88 meters more or less from B.L.L.M. No. 1, Sara, Iloilo. Area 13,126 square meters, more or less.

6. A parcel of land (lot No. 5, plan Psu-110737), situated in the barrio of Alibayog, municipality of Sara, Province of Iloilo. Bounded on the NE. and SE. by lot No. 7; and on the SW. and NW. by lot No. 3. Point 1 is S. $73^{\circ} 05'$ W., 1,316.74 meters more or less from B.L.L.M. No. 1, Sara, Iloilo. Area 2,506 square meters, more or less.

7. A parcel of land (lot No. 6, plan Psu-110737), situated in the barrio of Alibayog, municipality of Sara, Province of Iloilo. Bounded on the NE. by lot No. 7; and on the SW. and NW. by lot No. 3. Point 1 is S. $69^{\circ} 55'$ W., 1,747.36 meters more or less from B.L.L.M. No. 1, Sara, Iloilo. Area 103 square meters, more or less.

8. A parcel of land (lot No. 7, plan Psu-110737), situated in the barrio of Alibayog, municipality of Sara, Province of Iloilo. Bounded on the NE. by property of Alfredo Samson; on the E. by the municipal road; on the SE. by lots Nos. 8, 3 and 9; on the SW. by lot No. 6; and on the NW. by lot No. 5 and the Lemery-Sara provincial road. Point 1 is $69^{\circ} 55'$ W., 1,747.36 meters more or less from B.L.L.M. No. 1, Sara, Iloilo. Area 11,900 square meters, more or less.

9. A parcel of land (lot No. 8, plan Psu-110737), situated in the barrio of Alibayog, municipality of Sara, Province of Iloilo. Bounded on the E. by the municipal road; on the SW. by lot No. 3; and on the NW. by lot No. 7. Point 1 is S. $70^{\circ} 37'$

W., 1,651.31 meters more or less from B.L.L.M. No. 1, Sara, Iloilo. Area 145 square meters, more or less.

10. A parcel of land (lot No. 9, plan Psu-110737), situated in the barrio of Alibayog, municipality of Sara, Province of Iloilo. Bounded on the SE. by lot No. 3; and on the NW. by lot No. 7. Point 1 is S. $70^{\circ} 44'$ W., 1,678.54 meters more or less from B.L.L.M. No. 1, Sara, Iloilo. Area 99 square meters, more or less.

11. A parcel of land (lot No. 1, plan Psu-118234, sheet No. 1), situated in the barrio of Daga-an, municipality of Sara, Province of Iloilo. Bounded on the NE. and E. by property of Santiago Diacino; on the SE. and SW. by property of Victorino Salcedo; and on the NW. by properties of Victorino Salcedo and Santiago Diacino. Point 1 is N. $27^{\circ} 08'$ E., 4,322.18 meters from B.L.L.M. No. 2, Lemery, Sara, Iloilo. Area 53,136 square meters, more or less.

12. A parcel of land (lot No. 2, plan Psu-118234, sheet No. 2), situated in the barrio of Marimhon, municipality of Sara, Province of Iloilo. Bounded on the NE., E. and NW. by property of Romualda Cruz (before) heirs of Doroteo Villahermosa (now); and on the SE. and S. by property of Melquiades Babar. Point 1 is S. $65^{\circ} 09'$ W., 2,888.67 meters from B.L.L.M. No. 2, Sara, Iloilo. Area 50,591 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Iloilo, at its session to be held in the City of Iloilo, Philippines, on the 18th day of April, 1951, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Manuel Blanco, judge of said court, the 29th day of August, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS

*Chief of the General Land
Registration Office*

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
ILOILO**

Land Registration Case No. 78. G.L.R.O. Record No. 2164
EUSEBIO VILLANUEVA and REMEDIOS SIAN-VILLA-
NUEVA, applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Iloilo City; the Municipal Mayor, Do-

mingo Tiangson, Nicolas Trebiano, Juana Tarronas, Francisco Taño, Juan Taño, Eusebio Coalem, Tomas Toriada and Leon Encarquez, Tigbauan, Iloilo; and Nicolas Tayo, Cordova, Tigbauan, Iloilo; and to all it may concern:

Whereas, an application has been presented to this Court by the spouses Eusebio Villanueva and Remedios Sian-Villanueva, corner Rizal-Gomez Streets, Iloilo City, to register and confirm their title to the following property:

A parcel of land (plan Psu-118806), situated in the barrio of Cordova, municipality of Tigbauan, Province of Iloilo. Bounded on the NE. by properties of Domingo Tiangson and Nicolas Trebiano; on the SE. by properties of Juana Tarronas; Francisco Taño and Juan Taño; on the SW. by property of Tomas Toriada and on the NW. by property of Leon Encarquez. Point 1 is N. O. 26' W., 1457.73 meters from B.L.L.M. No. 1, Cordova, Tigbauan, Iloilo. Area 10,935 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Iloilo, at its session to be held in the City of Iloilo, Philippines, on the 17th day of April, 1951, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Manuel Blanco, judge of said court, the 29th day of August, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF
BATANGAS

Land Registration Case No. 97. G.L.R.O. Record No. 3096

ANTONIO ARIOLA ET AL., applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Batangas, Batangas; the Municipal Mayor, Nieves Palacios, Fausto Panganiban, Elias Agoncillo, Cristoto Macatañgay, Manuel Macatañgay, Josefa Olazu, Dorotea Vizconde, Antonia Relebo and Aguedo Marasigan, Calaca, Batangas; and to all whom it may concern:

Whereas, an application has been presented to this Court by Antonio Arriola, Alfredo Arriola,

Jose Arriola, Filemon Arriola, Angelito Arriola, Carmelita Arriola and Pedro Arriola, Calaca, Batangas, through the Atty. Ceferino Inciong, Balayan, Batangas, to register and confirm their title to the following property:

A parcel of land (lot No. 1, plan Psu-6606, sheet No. 1), situated in the sitio of Balon, barrio of Loma, municipality of Calaca, Province of Batangas. Bounded on the N. by property of Elias Agoncillo; on the NE. by properties of Elias Agoncillo and Cristoto Macatañgay; on the SE. by property of Cristoto Macatañgay, a barranco and properties of Manuel Macatañgay, Josefa Olazu and Fausto Panganiban; and on the NW. by a barranco and properties of Antonia Relebo, Dorotea Vizconde, Aguedo Marasigan and Manuel Macatañgay. Point 1 is N. 6° 54' E., 3,819.82 meters more or less from B.L.B.M. No. 1, Dacanlao, Calaca. Area 214,215 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Batangas, at its session to be held in the municipality of Batangas, Province of Batangas, Philippines, on the 17th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. E. Soriano, judge of said court, the 6th day of October, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF
LAGUNA

Land Registration Case No. 102. G.L.R.O. Record No. 3510

MARIANO B. RAYMUNDO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Santa Cruz, Laguna; the Municipal Mayor and Adriano Carpio, Mabitac, Laguna; the Municipal Mayor and Dr. Jose Paterno, Pañgil, Laguna; Emiliano Condez, Morong, Rizal; Teresa Rivera, Pila, Laguna; and the Municipal Mayor Sinoloan, Laguna; and to all whom it may concern:

Whereas, an application has been presented to this Court by Mariano B. Raymundo, Pila, Laguna, to register and confirm his title to the following properties:

Five parcels of land more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 461, Mabitac cadastre, plan SWO-23794), situated in the barrio of Anilao, municipality of Mabitac, Province of Laguna. Bounded on the N. by property of Mariano B. Raymundo; on the NE. by a creek; on the S. by lot No. 460; and on the W. by lot No. 462. Point 1 is S. $2^{\circ} 47'$ E., 1,562.79 meters from B.B.M. No. 8, Mabitac cadastre. Area 15,306 square meters, more or less.

2. A parcel of land (lot No. 462, Mabitac cadastre, plan SWO-23794), situated in the barrio of Anilao, municipality of Mabitac, Province of Laguna. Bounded on the N. and SE. by property of Mariano B. Raymundo; on the E. by lots Nos. 461 and 460; on the S. by property of Adriano Carpio; and on the SW. by a creek and lots Nos. 464, 465, 466, 467, 468, 469 and 470. Point 1 is S. $2^{\circ} 47'$ E., 1,562.79 meters from B.B.M. No. 8, Mabitac cadastre. Area 152,024 square meters, more or less.

3. A parcel of land (lot No. 463, Mabitac cadastre, plan SWO-19935), situated in the barrio of Dakila, municipality of Mabitac, Province of Laguna. Bounded on the N. by property of Emiliano Condez; on the E. by the public land; on the SE. by the Laguna de Bay; on the SW. and W. by a creek; and on the NW. by a creek, the Canao River and property of Mariano B. Raymundo. Point 1 is S. $10^{\circ} 56'$ E., 1,476.93 meters from B.B.M. No. 8. Area 1,086,996 square meters, more or less.

4. A parcel of land (lot No. 480, Mabitac cadastre, plan Psu-23794), situated in the barrio of Anilao, municipality of Mabitac, Province of Laguna. Bounded on the N. and S. by property of Mariano B. Raymundo; and NE., W. and NW. by creeks. Point 1 is S. $14^{\circ} 00'$ W., 2,161.19 meters from B.B.M. No. 8, Mabitac cadastre. Area 48,862 square meters, more or less.

5. A parcel of land (lot No. 483, Mabitac cadastre, plan SWO-23794), situated in the barrio of Anilao, municipality of Mabitac, Province of Laguna. Bounded on the N. by property of Dr. Jose Paterno and lots Nos. 473, 474, 475, 481, and 482; on the SE. and W. by creeks; on the SW. by property of Mariano B. Raymundo and a creek; and on the NW. by a creek and lots Nos. 486, 485 and 484. Point 1 is S. $23^{\circ} 29'$ W., 1,711.72 meters from B.B.M. No. 8, Mabitac cadastre. Area 152,506 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Laguna, at its session to be held in the municipality of Santa Cruz, Province

of Laguna, Philippines, on the 17th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Fidel Ibañez, judge of said court, the 27th day of September, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

[1, 2]

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

IN THE COURT OF FIRST INSTANCE, PROVINCE OF LA UNION

Land Registration Case No. 95. G.L.R.O. Record No. 3530

TRANQUILINO ABUBO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, San Fernando, La Union; the Municipal Mayor, Ignacio Aberin and Paulino Huliganga, Naguilian, La Union; and to all whom it may concern:

Whereas, an application has been presented to this Court by Tranquilino Abubo, Naguilian, La Union, to register and confirm his title to the following properties:

Three parcels of land, situated in the poblacion, municipality of Naguilian, Province of La Union, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-119034). Bounded on the N. by lot No. 2; on the E. by the Enrique Rimando Street; on the S. by property of Paulino Huliganga; and on the W. by lot No. 3. Point 1 is N. $17^{\circ} 10'$ E., 200.10 meters from B.L.L.M. No. 1, Naguilian, La Union. Area 543 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-119034). Bounded on the N. by property of Ignacio Aberin; on the E. by the Enrique Rimando Street; and on the S. by lot No. 1. Point 1 is N. $17^{\circ} 10'$ E., 200.70 meters from B.L.L.M. No. 1, Naguilian, La Union. Area 31 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-119034). Bounded on the NE. by property of Ignacio Aberin; on the E. by lot No. 1; and on the W. by property of Paulino Huliganga. Point 1 is N. $17^{\circ} 10'$ E., 200.70 meters from B.L.L.M. No. 1, Naguilian, La Union. Area 6 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of La Union, at its session to be held in the municipality of San Fernando, Province of La Union, Philippines, on the 17th day of April, 1951, at 9 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose C. Zulueta, judge of said court, the 6th day of October, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF BULACAN

Land Registration Case No. 231. G.L.R.O. Record No. 3585

EMILIA DEL CARMEN ET AL., applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Malolos, Bulacan; the Municipal Mayor, Sixto F. Santiago, the heirs of Melecio Roxas, Benita Cayetano, the heirs of Melecia Santiago, Lucio Raymundo, Jose Fernando, Paulino Robles, Severino Bonifacio, Enrique Macapinlac, Eduvigis Roxas, Maximo Florentino, Hilarion Roxas, Antonia Ramos, Marcelo Ignacio and Julian Roxas, Marilao, Bulacan; Anacleta Diaz, 67 Sociego St., Sampaloc, Manila; Susana de Cena, 149 Carapatan St., Sampaloc, Manila; Raymundo Ignacio, Sta. Maria, Bulacan; Rustico V. Nazareno and Vitaliano Villavicencio, 431 Helineos St., Sampaloc, Manila; and to all whom it may concern:

Whereas, an application has been presented to this Court by Emilia del Carmen, Socorro Cruz, Honorata Cruz, Cipriano Cruz, Jr., Celso Cruz, Conrado Cruz, Presentacion Cruz and Corazon Cruz, 431 Gelinos St., Sampaloc, Manila, to register and confirm their title to the following properties:

Four parcels of land, situated in the barrio of Ibayo, municipality of Marilao, Province of Bulacan, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-103989, sheet No. 1). Bounded on the N. by property of

the heirs of Melecio Roxas; on the NE. by properties of the heirs of Melecio Roxas, Anacleta Diaz and Benita Cayetano; on the SE. by a road (no name); on the SW. by properties of Benita Cayetano and the heirs of Melecia Santiago; and on the NW. by properties of Lucio Raymundo, Susana de Cena and the heirs of Melecio Roxas. Point 1 is N. $71^{\circ} 45'$ E., 1,876.42 meters more or less from B.L.L.M. No. 2, Marilao, Bulacan. Area 37,847 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-103989, sheet No. 1). Bounded on the NE. by property of Jose Fernando; on the SE. by properties of Paulino Robles and Severino Bonifacio; on the SW. by property of the municipal government of Marilao (school site); and on the NW. by the municipal government of Marilao (school site) and property of Enrique Macapinlac and a road (no name). Point 1 is N. $75^{\circ} 04'$ E., 1,836.84 meters more or less from B.L.L.M. No. 2, Marilao, Bulacan. Area 14,375 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-103989, sheet No. 2). Bounded on the NE. by properties of Eduvigis Roxas and the heirs of Melecia Santiago; on the SE. by property of the heirs of Melecia Santiago; on the SW. by properties of Maximo Florentino and Hilarion Roxas and Antonia Ramos; and on the NW. by properties of Marcelo Ignacio and Raymundo Ignacio. Point 1 is N. $66^{\circ} 11'$ E., 2,118.35 meters more or less from B.L.L.M. No. 2, Marilao, Bulacan. Area 14,375 square meters, more or less.

4. A parcel of land (lot No. 4, plan Psu-103989, sheet No. 3). Bounded on the N., E. and NW. by the Marilao River; on the NE. by property of Raymundo Ignacio; on the SE. by properties of Julian Roxas and Raymundo Ignacio; and on the SW. by property of Raymundo Ignacio. Point 1 is S. $24^{\circ} 54'$ W., 590.60 meters more or less from B.M. No. 33 Lolombo Estate. Area 27,526 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Bulacan, at its session to be held in the municipality of Malolos, Province of Bulacan, Philippines, on the 17th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Bonifacio Ysip, judge of said court, the 19th day of October, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF BULACAN

Land Registration Case No. 233. G.L.R.O. Record No. 3587

DOMINGO MARIANO and AMPARO CRUZ, applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Malolos, Bulacan; the Municipal Mayor and Martin Santiago, Plaridel, Bulacan; Carmen Reyes, Banga, Plaridel, Bulacan; Agustin Mariano and Francisco Fabian, Parulan, Plaridel, Bulacan; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Domingo Mariano and Amparo Cruz, Baña, Plaridel, Bulacan, to register and confirm their title to the following properties:

Two parcels of land, situated in the barrio of Parulan, municipality of Plaridel, Province of Bulacan, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-124254). Bounded on the N. by property of Carmen Reyes; on the E. by properties of Martin Santiago and Francisco Fabian; on the SE. by property of Francisco Fabian; on the SW. by property of Agustin Mariano; and on the NW. by a canal. Point 1 is N. $58^{\circ} 03'$ E., 2,244.10 meters from B.L.L.M. No. 1, Plaridel, Bulacan. Area 12,819 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-124254). Bounded on the N. by property of Carmen Reyes; on the SE. by a canal and property of Agustin Mariano; and on the W. by property of Agustin Mariano. Point 1 is N. $56^{\circ} 17'$ E., 2,201.70 meters from B.L.L.M. No. 1, Plaridel, Bulacan. Area 3,177 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Bulacan, at its session to be held in the municipality of Malolos, Province of Bulacan, Philippines, on the 17th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Bonifacio Ysip, judge of said court, the 19th day of October, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

IN THE COURT OF FIRST INSTANCE, PROVINCE OF BULACAN

Land Registration Case No. 232. G.L.R.O. Record No. 3586

CATALINO GATMAITAN ET AL., applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Malolos, Bulacan; the Municipal Mayor, Plaridel, Bulacan; Felisa Cristobal, Angeles Leonardo, Gabriel Mariano, the heirs of Sinforoso de Jesus, Manuela Navarro, the heirs of Juan Lopez and Agustin Alcaraz, Parulan, Plaridel, Bulacan; and Romana Mariano, 290 Quesada, Tondo, Manila; and to all whom it may concern:

Whereas, an application has been presented to this Court by Catalino Gatmaitan, Agripina Gatmaitan and Francisco Gatmaitan, Parulan, Plaridel, Bulacan, through the Atty. Alfredo V. Granados, Malolos, Bulacan, to register and confirm their title to the following properties:

Four parcels of land with the improvements thereon, situated in the barrio of Parulan, municipality of Plaridel, Province of Bulacan, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-98351, sheet No. 1). Bounded on the NE. by property of Tomasa Lazaro (before) Gabriel Mariano (now); on the SE. by the Bustos-Quingua provincial road; on the SW. by property of the heirs of Sinforoso de Jesus; and on the NW. by the provincial dike. Point 1 is N. $63^{\circ} 11'$ E., 2,428.33 meters more or less from B.L.L.M. No. 1, Quingua, Bulacan. Area 148 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-98351, sheet No. 2). Bounded on the NE. by property of Romana Mariano; on the SE. and SW. by property of the heirs of Sinforoso de Jesus; and on the NW. by the provincial road and property of the municipal government of Plaridel (artesian well). Point 1 is N. $65^{\circ} 39'$ E., 2,368.37 meters more or less from B.L.L.M. No. 1, Quingua, Bulacan. Area 1,227 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-98351, sheet No. 2). Bounded on the NE. and NW. by property of the heirs of Sinforoso de Jesus; on the SE. by the Angat irrigation canal (canal zone); and on the SW. by property of Manuela Navarro. Point 1 is N. $67^{\circ} 58'$ E., 2,461.50 meters more or less from B.L.L.M. No. 1, Quingua, Bulacan. Area 7,866 square meters, more or less.

4. A parcel of land (lot No. 4, plan Psu-98351, sheet No. 2). Bounded on the NE. by property of the heirs of Sinforoso de Jesus; on the SE. by property of Agustin Alcaraz; on the SW. by property of Manuela Navarro; and on the NW.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land

1 is N. $70^{\circ} 33'$ E., 2,532.89 meters more or less from B.L.L.M. No. 1, Quingua, Bulacan. Area 549 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Bulacan, at its session to be held in the municipality of Malolos, Province of Bulacan, Philippines, on the 17th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Francisco E. Jose, judge of said court, the 19th day of April, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest: **ENRIQUE ALTAVAS**
*Chief of the General Land
 Registration Office*
 [1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF BULACAN

Land Registration Case No. 234. G.L.R.O. Record No. 3588

ADELA NORIEGA EVANGELISTA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Malolos, Bulacan; the Municipal Mayor, Cesareo Blanco, Juan Blanco, Paula Casas, Maximina Floro and Pablo J. Noriega, Meycauayan, Bulacan; and Atty. Celedonio D. Evangelista, 1719 M. Natividad St., Manila; and to all whom it may concern:

Whereas, an application has been presented to this Court by Adela Noriega Evangelista, 1719 M. Natividad St., Manila, through the Atty. Teofilo A. Abejo, 208 Digna Bldg., Manila to register and confirm her title to the following property:

A parcel of land (plan Psu-125792), with the improvements thereon, situated in the poblacion, municipality of Meycauayan, Province of Bulacan. Bounded on the NE. by properties of Paula Casas and Maximina Floro; on the SE. by property of Pablo J. Noriega; on the SW. by the provincial road; and on the NW. by property of Cesareo and Juan Blanco. Point 1 is N. $13^{\circ} 36'$ E., 45.28 meters from B.L.L.M. No. 1, Meycauayan, Bulacan. Area 213 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Bulacan, at its session to be

Bulacan, Philippines, on the 17th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Francisco E. Jose, judge of said court, the 19th day of April, in the year 1950.

Issued at Manila, Philippines, this 21st day of December, 1950.

Attest: **ENRIQUE ALTAVAS**
*Chief of the General Land
 Registration Office*
 [1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF LAGUNA

Land Registration Case No. 116. G.L.R.O. Record No. 3527

CONCORDIA DIMACULAÑGAN, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Santa Cruz, Laguna; the Municipal Mayor, Bay, Laguna; Roman Replan, Juan de la Cruz, Rufina Ilagan, Florentina Genil and Melanio Quintos, San Antonio, Bay, Laguna; and Dr. Nicolas Galvez, San Pablo City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Concordia Dimaculañgan, Bay, Laguna; through the Atty. Isidro T. Almeda, Room 209 Natividad Bldg., Escolta, Manila, to register and confirm her title to the following property:

A parcel of land (plan Psu-9763), situated in the barrio of San Antonio, municipality of Bay, Province of Laguna. Bounded on the N. by properties of Juan de la Cruz, Rufina Ilagan and Florentina Genil (formerly Lope Barril) and Roman Replan (formerly Tomas Barril); on the E. by the Vecinal Road to San Antonio; on the SE. by Nicolas Galvez (formerly Diego Barria); on the SW. by property of Concordia Dimaculañgan (formerly Dalmacio Dimaculañgan); and on the NE. by property of Melanio Quintos (formerly Maximiano Quintos). Point 1 is N. $35^{\circ} 18'$ W., 1,015.57 meters from B.L.L.M. No. 1, Bay. Area 45,537 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Laguna, at its session to be held in the municipality of Santa Cruz, Province

1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Nicasio Yatco, judge of said court, the 30th day of September, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
ILLOCOS NORTE**

Land Registration Case No. 13. G.L.R.O. Record No. 1294

**TRIFON PASCUA JULIAN and JOVITA JUAN DE JULIAN,
applicants**

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal, the District Engineer, Raymundo Miguel and Saturnino Gregorio, Laoag, Ilocos Norte, the Municipal Mayor, Fidela Tomas de Simeon and Marcela Cabanos, San Nicolas, Ilocos Norte; the heirs of Felix Cabel, Maria Cabel and Eusebio Cabel, Barrio 9, San Nicolas, Ilocos Norte; the heirs of Macario Ver, Conrado Ver, Lolita Ver, Cayetano Bonoan and Modesto Pasion, Barrio 12, San Nicolas, Ilocos Norte; the heirs of Nemesio Bonoan, Claudia Valdez, the heirs of Eusebio Lucas, Julian Lucas, Maura Barba and Amalio Arzaga, Barrio 2, San Nicolas, Ilocos Norte; the heirs of Gabino Tolentino, Maria Tolentino, the heirs of Diego Nicolas, Primo Nicolas, the heirs of Cayetano Madamba, Alejandra de Barba, Dominador Madamba, Rosa de Felien, Carmelo Madamba, the heirs of Agustin Cabel and Leon Cabel, Barrio 3, San Nicolas, Ilocos Norte; Escolastica Barba, Barrio 13, Laoag, Ilocos Norte; Nicolas Raguinan, Cayetano Tumamao, Valeriano Casabay, Gregorio Agag and Leon Bumanglag, Barrio 14, San Nicolas, Ilocos Norte; Venancio Bumanglag, Saturnino Dulduao, Sergio Dada, Flaviano Camungao, Felipe Daquioag and Castor Simeon, Barrio 13, San Nicolas, Ilocos Norte; Jose Castro and Victor Antonio, Barrio 11, San Nicolas, Ilocos Norte; Inocencio Corpuz, Alian, San Nicolas, Ilocos Norte; Isidra Pasamonte, Emilio C. Coloma and Agapito Rosales, Barrio 15, San Nicolas, Ilocos Norte; and Bonifacio Hernando, Barrio 1, San Nicolas, Ilocos Norte; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Trifon Pascua Julian and Jovita Juan de Julian, Laoag, Ilocos Norte, through the Atty. Juan Jacinto, Vintar, Ilocos Norte, to register and confirm their title to the following property:

A parcel of land (plan Psu-114429), situated in the barrio of Alian, municipality of San Nicolas, Province of Ilocos Norte. Bounded on the N. by the provincial road; on the SE. by properties of Fidela Tomas de Simeon, heirs of Cayetano Madamba, Nicolas Raguinan, the municipal government of San Nicolas (old cemetery), Gregorio Agag, Castor Simeon, Modesto Pasion Felipe Daquioag, Flaviano Camungao, Maura Barba, heirs of Nemesio Bonoan, Agapito Rosales, Raymundo Miguel, Leon Bumanglag, Emilio C. Coloma, Marcela Cabanos, heirs of Felix Cabel, Jose Castro et al., Bonifacio Hernando, Saturnino Dulduao, heirs of Eusebio Lucas, heirs of Agustin Cabel and Isidra Pasamonte; on the SW. by properties of Saturnino Gregorio, Venancio Bumanglag, Amalio Arzaga, and heirs of Macario Ver; and on the NW. by properties of the heirs of Gabino Tolentino and heirs of Diego Nicolas, the provincial road and property of Victor Antonio. Point 1 is S. 70° 09' W., 780.52 meters from B.L.L.M. No. 1, San Nicolas. Area 92,340 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Ilocos Norte, at its session to be held in the municipality of Laoag, Province of Ilocos Norte, Philippines, on the 19th day of April, 1951, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Flores, judge of said court, the 19th day of October, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
BATANGAS**

Land Registration Case No. 55. G.L.R.O. Record No. 3567

PACIENCIA ILAO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director

of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Batangas, Batangas; the Municipal Mayor, Lorenzo Sales, Jose Quijano and Lourdes Quijano, San Juan, Batangas; Anastacia Conti, Felipe Moraleja, Roman Umali, Eduardo Umali and Gaudencio Umali, Bataan, San Juan, Batangas; and to all whom it may concern:

Whereas, an application has been presented to this Court by Paciencia Ila, San Juan, Batangas, through the Atty. Jose D. Dimayuga, City of Lipa, to register and confirm her title to the following properties:

Two parcels of land, situated in the barrio of Bataan, municipality of San Juan, Province of Batangas, more particularly determined and described on the plan and technical description attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-123192). Bounded on the N., NE. and SE. by the Tayabas Bay; on the SW. by lot No. 2 and property of Paciencia Ila; on the W. by the Malalim na Sanog Creek and property of Felipe Moraleja et al.; and on the NW. by the Malalim na Sanog Creek and properties of Felipe Moraleja et al. and Anastacia Conti. Point 1 is N. $75^{\circ} 54'$ E., 7,763.60 meters from B.L.L.M. No. 1, Laiya, San Juan. Area 189,314 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-123192). Bounded on the N. and NE. by lot No. 1; on the SE. by the Tayabas Bay; on the S. by property of Jose and Lourdes Quijano; and on the NW. by properties of Roman Umali, Eduardo Umali and Gaudencio Umali and Paciencia Ila. Point 1 is N. $78^{\circ} 14'$ E., 7,650.83 meters from B.L.L.M. No. 1, San Juan. Area 49,004 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Batangas, at its session to be held in the City of Lipa, Philippines, on the 19th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Juan P. Enriquez, judge of said court, the 18th day of October, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

IN THE COURT OF FIRST INSTANCE, PROVINCE OF ILOILO

Land Registration Case No. 80. G.L.R.O. Record No. 2319

RAMON C. TABIANA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Iloilo City; the Municipal Mayor, Leon Candalada, Pablo Cain, Maria Cadao, Gil Tabifranca, Maximo Caingcoy, Jose Alonsaga, Filomeno Cambronero, Mariano Cababo, Teodoro Cadao, Jose Alonsaga, Luciano Cantor, Juan Sobrevega, Victor Cabarles, Luciano Cabo, Apolonio Cambare, Sebastian Cadaydayan, Gregorio Calubayan, Oferiano Cabarles, Felix Cansancio, the heirs of Margarito Cabinas % Andres Cabo, Bernardino Pascuelo, Andres Cabo, Zacarias Cainglet, Agustin Biñas, Fernando Capilayan, Gregorio Cabugua, Cayetano Caburiquit, Ciriaca Cabig, Ciriaca Calopez, Florencio Camence, Camilo Cajaban and Margarita Cambronero, Leon, Iloilo; the heirs of Juliana Melleza % Eusebio Villanueva, Iloilo City; and Gloria Montinola, 343 Iznart St., Iloilo City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Ramon C. Tabiana, 343, Iznart St., Iloilo City, to register and confirm his title to the following properties:

Six parcels of land with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-117379), situated in the barrio of Anonang, municipality of Leon, Province of Iloilo. Bounded on the N. by property of Gil Tabifranca; on the E. by property of Maximo Caingcoy; on the SE. by properties of Maximo Caingcoy and Jose Alonsaga; on the SW. by properties of Jose Alonsaga, Filomeno Cambronero, Mariano Cababo and Teodoro Cadao; and on the NW. by properties of Leon Candalada, Pablo Cain and Maria Cadao. Point 1 is N. $23^{\circ} 45'$ E., 2,090.95 meters from B.L.B.M. No. 1, Omambong, Leon. Area 88,052 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-117379), situated in the barrio of Anonang, municipality of Leon, Province of Iloilo. Bounded on the NE. by property of Jose Alonsaga; on the SE. by properties of the heirs of Juliana Melleza and Filomeno Cambronero; on the SW. by property of Luciano Cantor; and on the W. by properties of Maria Cadao and Juan Sobrevega. Point 1 is N. $28^{\circ} 22'$ E., 1,829.58 meters from B.L.L.M. No. 1, Omambong, Leon. Area 21,823 square meters, more or less.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

3. A parcel of land (lot No. 3, plan Psu-117379), situated in the barrio of Si-ol, municipality of Leon, Province of Iloilo. Bounded on the NE. by property of Sebastian Cadaydayan; on the SE. by properties of Gregorio Calubayan and Oferiano Cabarles; on the S. by property of Oferiano Cabarles; on the SW. by property of Felix Cansancio; and on the NW. by properties of Luciano Cabo, Victor Cabarles and Apolonio Cambare. Point 1 is N. 27° 48' E., 2,710 meters from B.L.L.M. No. 1, Omambong, Leon. Area 169,866 square meters, more or less.

4. A parcel of land (lot No. 4, plan Psu-117379), situated in the barrio of Si-ol, municipality of Leon, Province of Iloilo. Bounded on the NE. by property of the heirs of Margarito Cabinas; on the E. by property of Bernandino Pascuero; on the SE. by properties of Apolonio Cambare, Luciano Cabo and Victor Cabarles; on the SW. by property of Victor Cabarles; on the W. by property of Luciano Cabo; and on the NW. by properties of Andres Cabo and the heirs of Margarito Cabinas. Point 1 is N. 24° 27' E., 3,114.28 meters from B.L.L.M. No. 1, Omambong, Leon. Area 41,979 square meters, more or less.

5. A parcel of land (lot No. 5, plan Psu-117379), situated in the barrio of Anonang, municipality of Leon, Province of Iloilo. Bounded on the NE. by properties of Ciriaca Cabig, Juan Sobrevega, Cayetano Caburiquit, Gregorio Cabugua and Fernando Capilayan and the Leon-San Miguel national road; on the SE. by properties of Margarita Cambronero, Camilo Cajaban and Florencio Camence; on the SW. by properties of the heirs of Juliana Melleza and Agustin Biñas; and on the W. and NW. by the Sibalum River. Point 1 is N. 10° 03' E., 2,066.33 meters from B.L.L.M. No. 1, Omambong, Leon. Area 440,036 square meters, more or less.

6. A parcel of land (lot No. 6, plan Psu-117379), situated in the barrio of Anonang, municipality of Leon, Province of Iloilo. Bounded on the NE., SE. and NW. by property of the heirs of Juliana Melleza; and on the SW. by property of Zacarias Cainglet. Point 1 is N. 11° 35' E., 1,414.09 meters from B.L.L.M. No. 1, Omambong, Leon. Area 38,581 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Iloilo, at its session to be held in the City of Iloilo, Philippines, on the 23rd day of April, 1951, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Manuel Blanco, judge of said court, the 29th day of August, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest:

ENRIQUE ALTAVAS
*Chief of the General Land
Registration Office*

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF
ILOILO

Land Registration Case No. 85. G.L.R.O. Record No. 2419
TRINIDAD SALCEDO DE MORENO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Iloilo City; the Municipal Mayor, Venancio Capacillo, Caridad Balajadia, Timoteo Brodeth Moreno, Vicente Padios, the heirs of Alejandro Alerta, Angel Salcedo, Victoriano Salcedo and Federico Ferraris, Sara, Iloilo; and to all whom it may concern:

Whereas, an application has been presented to this Court by Trinidad Salcedo de Moreno, Sara, Iloilo, through the Atty. Jose Caton, Iznart St., Ledesma Bldg., Iloilo City, to register and confirm her title to the following property:

A parcel of land (lot No. 1, plan Psu-97347), with the buildings and improvements thereon, situated in the barrio of Cabora, municipality of Sara, Province of Iloilo. Bounded on the N. by property of Victorino Salcedo; on the NE. by properties of Victorino Salcedo, Angel Salcedo and the heirs of Alejandro Alerta; on the SE. by property of the heirs of Alejandro Alerta, the hacienda road and properties of Vicente Padios, Angel Salcedo vs. Victorino Salcedo and Caridad Balajadia and Victorino Salcedo and Salcedo vs. Victorino Salcedo and Caridad Balajadia and Victorino Salcedo and Caridad Balajadia; on the SW. by the Ajuy-Sara provincial road, lot No. 2 (property of Venancio Capacillo) and property of Victorino Salcedo. Point S. is 15° 15' E., 2,409.28 meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Iloilo, at its session to be held in the City of Iloilo, Philippines, on the 24th day of April, 1951, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Manuel Blanco, judge of said court, the 29th day of August, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest: **ENRIQUE ALTAVAS**
*Chief of the General Land
 Registration Office*

**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
 ILOCOS SUR**

Land Registration Case No. 38. G.L.R.O. Record No. 3561
 JOSE FERIL and PETRA SINGSON DE FERIL, applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, the Municipal Mayor, Ramon Singson and Tranquilino Castillo, Vigan, Ilocos Sur; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Jose Feril and Petra Singson de Feril, Vigan, Ilocos Sur, through the Atty. Juan I. Ines, Vigan, Ilocos Sur, to register and confirm their title to the following property:

A parcel of land (plan Psu-124620), with the buildings and improvements thereon, situated in the poblacion, municipality of Vigan, Province of Ilocos Sur. Bounded on the N. by property of Ramon Singson; on the SE. by properties of Ramon Singson and Tranquilino Castillo; on the SW. by the Vicente Encarnacion Street; and on the NW. by the V. de los Reyes Street. Point 1 is S. 2° 04' E., 407.86 meters from B.L.L.M. No. 2, Vigan, Ilocos Sur. Bounded on the N. by property of Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Ilocos Sur, at its session to be held in the municipality of Vigan, Province of Ilocos Sur, Philippines, on the 28th day of April, 1951, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Zoilo Hilario, judge of said court, the 16th day of October, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest: **ENRIQUE ALTAVAS**
*Chief of the General Land
 Registration Office*

**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
 ZAMBOANGA**

Land Registration Case No. 7. G.L.R.O. Record No. 3525

LAMBO (Moro), applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Zamboanga City; the City Mayor, City of Basilan; Binang (Mora), Miron (Moro), Hadji Samion (Moro), Julalon (Moro), Angalon (Moro), Fortunato Beraltana, the Basilan Sugar Estate Plantation Company, Buyoc (Moro) and Kamunti (Moro), Bagbagon, City of Basilan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Lambo (Moro) Bagbagon, City of Basilan, through the Atty. T. de los Santos, City of Basilan, to register and confirm his title to the following property:

A parcel of land (plan Psu-85630), with the improvements thereon, situated in the barrio of Bagbagon, City of Basilan. Bounded on the N. by property of Miron (Moro); on the NE. by properties of Hadji Samion (Moro) and Julalon and Angalon (Moros) and the public land; on the SE. by the public land on the SW. by the public land and property of Fortunato Beraltana claimed by Basilan Sugar Estate Plantation Company; and on the W. by property of Buyoc and Kamunti (Moros). Point 1 is N. 18° 31' E., 2,276.11 meters more or less from B.L.L.M. No. 1, Bagbagon, Isabela. Area 322,737 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Zamboanga, at its session to be held in the City of Zamboanga, Philippines, on the 28th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Pablo Villalobos, judge of said court, the 15th day of September, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest: **ENRIQUE ALTAVAS**
*Chief of the General Land
 Registration Office*

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF
LAGUNA

Land Registration Case No. 119. G.L.R.O. Record No. 3532

DEMETRIO MORALES, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, the Director of Forestry, the Colegio De San Jose, Inc., and the Rural Progress Administration % Department of Justice, Manila; the Provincial Fiscal and the District Engineer, Santa Cruz, Laguna; the Municipal Mayor, Salvador Heredia, Gregorio Serrano, Lino Galang, Fidel Galang, Maximo Galang, Maria Paz, Segunda Samaniego, Felix Castasus, Jose Cerodias, Maria Paz Remoquilla, Marcos Sietereales, Antonio Guevara and Herminigilda Jurabal, San Pedro, Laguna; and to all whom it may concern:

Whereas, an application has been presented to this Court by Demetrio Morales, San Pedro, Laguna, through the Atty. Pio G. Balingcongan, 1823 Azcarraga, Sta. Cruz, Manila, to register and confirm his title to the following properties:

Two parcels of land, situated in the barrio of San Vicente, municipality of San Pedro, Province of Laguna, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-120410). Bounded on the NE. by property of Jose Gerodias; on the SE. by properties of Maria Paz and Lino Galang; on the SW. by property of Marcos Sietereales; and on the NW. by property of Segunda Samaniego. Point 1 is S. 14° 08' W., 976.25 meters from B.L.L.M. No. 1, San Pedro. Area 24,621 square meters, more or less.

2. A parcel of land (plan Psu-120411). Bounded on the NE. and E. by property of Maria Paz Remoquillo; on the SE. by an irrigational canal; on the SW. by property of Antonio Guevara; and on the NW. by property of Salvador Heredia. Point 1 is S. 14° 08' W., 976.25 meters from B.L.L.M. No. 1, San Pedro. Area 18,980 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Laguna, at its session to be held in the municipality of Santa Cruz, Province of Laguna, Philippines, on the 27th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Nicasio Yatco, judge of said court, the 7th day of October, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest:

ENRIQUE ALTAVAS

Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF
LAGUNA

Land Registration Case No. 120. G.L.R.O. Record No. 3562

SEVERA GOÑOSA VDA. DE ARUPO ET AL., applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal, the District Engineer, Maxima Aresa and Eduardo Reyes, Santa Cruz, Laguna; the Municipal Mayor, Maria Bordin, Jose Mistica, Gregorio Aresa, Maura Aresa, Leonila Aresa, Emilio Aresa, Consuelo Aresa, Francisco Brofan, Elpidio Buenaseda, Vitaliano Dimaguila, Eustaquio Generoso, Mariano Moncada and Pedro Barredo, Lilio, Laguna; the Municipal Mayor, Magdalena, Laguna; Aurora Mistica, Anao, Tarlac; and Soledad Estadilla, 815 Merced St., Paco Manila; and to all whom it may concern:

Whereas, an application has been presented to this Court by Severa Goñosa Vda. de Arupo, Iluminada Arupo y Goñosa, Flaviano Arupo y Goñosa and Lucila Arupo y Goñosa, Lilio, Laguna; Magno Arupo y Goñosa, Anao, Tarlac; Domingo Arupo y Goñosa, 815 Merced St., Paco, Manila, through the Atty. Bernardo V. Cagandahan, Santa Cruz, Laguna, to register and confirm their title to the following properties:

Four parcels of land with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-106343), situated in the barrio of Ba-anan, municipality of Magdalena, Province of Laguna. Bounded on the NE., SE. and NW. by property of Eduardo Reyes; and on the SW. by a creek and property of Maria Bordin. Point 1 is N. 24° 24' E., 3,263.38 meters more or less from B.L.L.M. No. 3, Nagcarlang, Laguna. Area 4,693 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-106343), situated in the barrio of Ba-anan, municipality of Magdalena, Province of Laguna. Bounded on the NE., by properties of Jose Mistica and Gregorio, Maura, Leonila, Emilio and Consuelo Aresa; on the SE. by property of Francisco Brofan; on the SW.

by property of Eduardo Reyes; and on the NW. by properties of Eduardo Reyes and Jose Mistica. Point 1 is N. 26° 52' E., 3,097.29 meters more or less from B.L.L.M. No. 3, Nagcarlang, Laguna. Area 2,957 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-106343), situated in the barrio of Ba-anan, municipality of Magdalena, Province of Laguna. Bounded on the NE. by properties of Jose Mistica and Eduardo Reyes; on the SE. by property of Eduardo Reyes; on the W. by property of Maxima Aresa; and on the NW. by the Bonkol River and property of Elpidio Buenaseda. Point 1 is 23° 20' E., 3,179.07 meters more or less from B.L.L.M. No. 3, Nagcarlang, Laguna. Area 5,543 square meters more or less.

4. A parcel of land (plan Psu-106344), situated in the poblacion, municipality of Lilio, Province of Laguna. Bounded on the E. by the Mamalin River; on the SE. by property of Eustaquio Generoso and Mariano Moncada; on the SW. by a canal and property of Pedro Barredo; and on the NW. by property of Vitallano Dimaguila. Point 1 is N. 64° 56' E., 225.27 meters from B.L.L.M. No. 2, Lilio, Laguna. Area 631 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Laguna, at its session to be held in the municipality of Santa Cruz, Province of Laguna, Philippines, on the 27th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Nicasio Yatco, judge of said court, the 14th day of October, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*
 [1, 2]

IN THE COURT OF FIRST INSTANCE, CITY OF
 BAGUIO

Land Registration Case No. 15. G.L.R.O. Record No. 3543

INCIO TUMAYAN, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, City of Baguio; the Municipal District Mayor of Atok, Sub-Province of Benguet, Mountain Province; Josefa Cottong, Ulpiano Bob and

Benguet, Mountain Province; Mrs. Emilia Balao; Pico, La Trinidad, Sub-Province of Benguet, Mountain Province; the heirs of Thomas Haight, Mary Haight, Nelly Haight and Bennett Haight & Mrs. Susie Haight, Atok Sub-Province of Benguet, Mountain Province; and to all whom it may concern:

Whereas, an application has been presented to this Court by Incio Tumayan, Paoay, Atok, Sub-Province of Benguet, Mountain Province, through the Atty. Francisco S. Reyes, Session Road, Baguio City, to register and confirm his title to the following property:

A parcel of land (Plan Psu-123890), situated in the barrio of Paoay, municipal district of Atok, Sub-Province of Benguet, Mountain Province. Bounded on the N. by property of Ulpiano Bob; on the NE. by property of Emilia Balao; on the SE. by the National Park and properties of Celo Haight and the heirs of Thomas Haight; on the SW. by the public land; and on the NW. by the public land and property of Enoay. Point 1 is N. 75° 22' E., 1,130.16 meters from triangulation station "Paoay," Atok, Benguet, Mountain Province. Area 355,585 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance, City of Baguio, at its session to be held in the City of Baguio, Philippines, on the 26th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Hermogenes Concepcion, judge of said court, the 10th day of October, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*
 [1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF
 ZAMBOANGA

Land Registration Case No. 11. G.L.R.O. Record No. 3602

EUFRACIO M. LOPEZ, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal, the District Engineer and the Roman Catholic Bishop of Zamboanga City.

Collamor, Venancio Mendoza, Gerardo Saile, Pedro Mefiiza, Gregorio Medalla, Estanislao Etoc, Filemon Delasa, Lazaro Pacyao, Subano Engracio, Victoriano Mamintas, Isidoro Baroro, Jose Gayapa and sister, Francisco Tamparong, Ramon Palomares, Valentina Tamparong, Juan Lugo, Fausto Jancan, Francisco Miranda, Juan Jumawan, Alejandra Gayapa, Santiago Canoy, Ruperto Ginobatin, Leonarda Ginobatin, Valentín Saile, Mateo Saile, Pablo Tangkay, Felino Soro, Eugenio Jumawan, Francisco Corporal, Gaudencio Mangubat, Mariano Mendoza, Ciriaco Abada, Mateo Aganyon, Alejo Abada, Tomasa Laput, Tiburcia Bagaipo, Jacinto Antonero, Miguel Cabilin, Candido Amodia, Gregorio Lagorra, Victoria Domadigo, Jacinto Elopore, Valentin Esteban, Florentino Elopore, Pedro Partosa, Catalino Ongkolan, Genara Bayron, Jose Adaro, Juan Adaro, Florentino Milano, Juan Baral, the heirs of Blas Lagorra represented by Discorro Lagorra, Clemente Ramirez, Petrona Cabrera, Marcelo Balagot, Procopio Necesario, Tomasa Lacaba, Jesus Bernedo, Gregorio Lusica, Pedro Quiamjot, Matilde Jardin, Marcelino Corporal, Aquilino Cabanlit, Celedonio Jancan, Venancio Corporal, Doroteo Cuenca, Teodoro R. Eguia, Jose Cuenca, Tranquillo Cuenca and Remedios Eguia, Katipunan, Zamboanga; and Estanislao Labucay, Mabolo, Cebu City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Eufracio M. Lopez, Katipunan, Zamboanga, through the Atty. Alberto Q. Ubay, Dipolog, Zamboanga, to register and confirm his title to the following properties:

Fourteen parcels of land with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-125905, sheet No. 1), situated in the barrio of Silosong, municipality of Katipunan, Province of Zamboanga. Bounded on the N. by property of Francisco Tamparong; on the NE. by properties of Francisco Tamparong, Valentina Tamparong (Ramon Palomares), Juan Lugo, (Ramon Palomares), Julio Collamor (Doroteo Badiango), Gerardo Saile (Venancio Mendoza) and Pedro Mefiiza, the Silongong Creek and property of Francisco Miranda (before) Eufracio M. Lopez (now); on the SE. by the municipal road; on the SW. by properties of Leonarda Ginobatin (Ruperto Ginobatin), Filemon Delasa (Estanislao Etoc), Lazaro Pacyao, Victoriano Mamintas (Subano Engracio) and Isidoro Baroro and a creek; and on the NW. by property of Jose Gayapa and sisters. Point 1 is S. $51^{\circ} 21'$ W., 2,301.89 meters from B.L.L.M. No. 2, Katipunan. Area 638,208 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-125905, sheet No. 1), situated in the barrio of Silosong, municipality of Katipunan, Province of Zamboanga. Bounded on the SE. by properties of Francisco Miranda, Juan Jumawan, Alejandra Gayapa and Santiago Canoy; on the SW. by property of Leonarda Guinobatin (Ruperto Guinobatin); and on the NW. by the municipal road. Point 1 is S. $6^{\circ} 19'$ W., 1,884.17 meters from B.L.L.M. No. 2, Katipunan. Area 71,384 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-125905, sheet No. 2), situated in the poblacion, municipality of Katipunan, Province of Zamboanga. Bounded on the NE. by properties of Valentín Saile and Mateo Saile and the municipal road; on the SE. by properties of Felino Soro (Pablo Tangkay), Lazaro Pacyao (Eugenio Jumawan) and Lazaro Pacyao (Gregorio Medalla); on the SW. by properties of Francisco Corporal and Gaudencio Mangubat; and on the NW. by properties of Gaudencio Mangubat, Mariano Mendoza and Alejo Abada (Ciriaco Abada). Point 1 is S. $4^{\circ} 52'$ E., 681.43 meters from B.L.L.M. No. 2, Katipunan. Area 95,312 square meters, more or less.

4. A parcel of land (lot No. 4, plan Psu-125905, sheet No. 2), situated in the poblacion, municipality of Katipunan, Province of Zamboanga. Bounded on the NE. by properties of Tomasa Laput, Jacinto Antonero (Tiburcia Bagaipo) and Candido Amodia (Miguel Cabilin) and Leonarda Ginobatin (Ruperto Guinobatin); on the SW. by properties of Victoria Domadigo (Gregorio Lagorra) and Felino Soro (Pablo Tangkay) and the municipal road; and on the NW. by property of Mateo Saile and the Katipunan Townsite. Point 1 is S. $32^{\circ} 02'$ E., 649.02 meters from B.L.L.M. No. 2 Katipunan. Area 96,533 square meters, more or less.

5. A parcel of land (lot No. 5, plan Psu-125905, sheet No. 2), situated in the poblacion, municipality of Katipunan, Province of Zamboanga. Bounded on the NE. by the Katipunan-Dipolog provincial road; on the SE. by a creek and property of Florentino Elopore (Valentin Esteban); on the SW. by properties of Florentino Elopore (Valentin Esteban), Catalino Ongkolan (Pedro Partosa) and Jose and Juan Adaro (Genara Bayron); and on the NW. by property of Jose and Juan Adaro (Genara Bayron), a dry creek and property of Jacinta Elopore. Point 1 is S. $37^{\circ} 34'$ E., 206.10 meters from B.L.L.M. No. 1, Katipunan. Area 46,632 square meters, more or less.

6. A parcel of land (lot No. 6, plan Psu-125905, sheet No. 2), situated in the poblacion, municipality of Katipunan, Province of Zamboanga. Bounded on the NE. by properties of Florentino Milano and Juan Baral; on the SE. by a creek; and on the SW. by the Dipolog-Katipunan provincial road. Point 1 is S. $36^{\circ} 55'$ E., 514.59 meters from B.L.L.M. No. 1, Katipunan. Area 1,655 square meters, more or less.

7. A parcel of land (lot No. 7, plan Psu-125905, sheet No. 3), situated in the barrio of Tubod,

municipality of Katipunan, Province of Zamboanga. Bounded on the N. by the provincial road; on the SE. by properties of the heirs of Blas Lagorra and Marcelo Balagot (Petrona Cabrera); on the S. and SW. by property of Marcelo Balagot (Petrona Cabrera); and on the NW. by property of Procopio Necesario. Point 1 is S. $86^{\circ} 31'$ W., 2,000.36 meters from B.L.L.M. No. 2, Katipunan. Area 8,639 square meters, more or less.

8. A parcel of land (lot No. 8, plan Psu-125905, sheet No. 3), situated in the barrio of Tubod, municipality of Katipunan, Province of Zamboanga. Bounded on the NE. by the Mindanao Sea and property of the heirs of Blas Lagorra; on the SE. by property of the heirs of Blas Lagorra; on the S. by the provincial road; and on the NW. by property of Procopio Necesario. Point 1 is S. $85^{\circ} 54'$ W., 1,822.67 meters from B.L.L.M. No. 2, Katipunan. Area 15,422 square meters, more or less.

9. A parcel of land (lot No. 9, plan Psu-125905, sheet No. 3), situated in the barrio of Tangbo, municipality of Katipunan, Province of Zamboanga. Bounded on the N. by the Mindanao Sea; on the E. by property of Gregorio Lusica; on the S. by the provincial road; on the W. by property of Tomasa Lacaba, a creek and property of Jesus Bernedo (Mateo Saile); and on the NW. by a creek and property of Jesus Bernedo (Mateo Saile). Point 1 is S. $82^{\circ} 24'$ W., 1,870.06 meters from B.L.L.M. No. 2, Katipunan. Area 23,319 square meters, more or less.

10. A parcel of land (lot No. 10, plan Psu-125905, sheet No. 3), situated in the barrio of Tangbo, municipality of Katipunan, Province of Zamboanga. Bounded on the N. by the provincial road; on the E. by property of Gregorio Lusica; on the S. by properties of Gregorio Lusica, Pedro Quiamjot and Matilde Jardin; and on the W., by property of Tomasa Lacaba. Point 1 is S. $80^{\circ} 22'$ W., 1,216.69 meters from B.L.L.M. No. 2, Katipunan. Area 4,257 square meters, more or less.

11. A parcel of land (lot No. 11, plan Psu-125905, sheet No. 4), situated in the barrio of Tangbo, municipality of Katipunan, Province of Zamboanga. Bounded on the N. by the Mindanao Sea; on the E. by lot No. 13; on the S. by lot No. 14 and properties of Teodoro R. Eguia, Jose Cuenca and Tranquilino Cuenca; and on the W. by property of the Roman Catholic Church. Point 1 is S. $80^{\circ} 43'$ W., 672.80 meters from B.L.L.M. No. 2, Katipunan. Area 19,973 square meters, more or less.

12. A parcel of land (lot No. 12, plan Psu-125905, sheet No. 4), situated in the barrio of Tangbo, municipality of Katipunan, Province of Zamboanga. Bounded on the N. by the Mindanao Sea; on the SE. by properties of Aquilino Cabanlit (Marcelino Corporal) and Celedonio Jancan; on the S. by properties of Venacio Corporal, the Roman Catholic Church and Doroteo Cuenca; and on the W. by lot No. 13. Point 1 is S. $80^{\circ} 16'$ W., 519.76 meters from B.L.L.M. No. 2, Katipunan. Area 25,273

13. A parcel of land (lot No. 13, plan Psu-125905, sheet No. 4), situated in the barrio of Tangbo, municipality of Katipunan, Province of Zamboanga. Bounded on the E. by lot No. 12; on the S. by property of Doroteo Cuenca and lot No. 14; on the W. by lot No. 11; and on the NW. by the Mindanao Sea. Point 1 is S. $80^{\circ} 16'$ W., 519.76 meters from B.L.L.M. No. 2, Katipunan. Area 2,896 square meters, more or less.

14. A parcel of land (lot No. 14, plan Psu-125905, sheet No. 4), situated in the barrio of Tangbo, municipality of Katipunan, Province of Zamboanga. Bounded on the N. by lots Nos. 11 and 13; on the E. by property of Doroteo Cuenca; on the S. by the provincial road; and on the W. by property of Teodoro R. Eguia. Point 1 is S. $80^{\circ} 43'$ W., 672.80 meters from B.L.L.M. No. 2, Katipunan. Area 3,842 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Zamboanga, at its session to be held in the municipality of Dipolog, Province of Zamboanga, Philippines, on the 25th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Luis N. de Leon, judge of said court, the 18th day of October, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF
ILOILO

Land Registration Case No. 8. G.L.R.O. Record No. 248

CASIMIRO ANDRADA, Applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Iloilo City; the Municipal Mayor, Juan Villanueva, Fortunato Acolentava, the heirs of Manuel Lopez, Soledad Villanueva, Lucio Joaquin, Benito Bullo, Paulino Ignacio, Buenaventura Bo-aya, Pedro Olmido, Pio Bartolome, Estanislao Bensurto, Pedro Villanueva, the heirs of Maximo Ajosan, Benigno Solaber, Enrique Soriano, Nicolas Buenaflor, Gerundio Miane, Pacifico B. Cabuyoc, Paulino Delgado, the heirs of Patricio Ramos, Tiburcio Betita, Pedro Feranea, Moises Enojas, Tomas Santiago, Carpio Borgonia, Ponciano Baltazar, Jose Villanueva, Pablo Billones, Santiag...

lingan, Petra Betita, Eleuterio or Eleuteria Salap, Liberato Guillen, Anacleto Bellocillo, Aureo Bellocillo, Damaso Bangiban, Perfecto Villanueva, Gregorio Lamiga, Canuto Tolosa, Ramon Alaba, Michaelo Bantillo, Teresa Billones, Enrique Soriano, Francisco T. Lopez, Victorino Francisco, Miguel Francisco Pedro Adrias, Juan Villagracia and Justa Acolentava, Carles, Iloilo; the Municipal Mayor, Aranjuez Hacienda, Ignacio Aguilar, Clemente Pedrina and Leonardo Soriano, Balasan, Iloilo; and to all whom it may concern:

Whereas, an application has been presented to this Court by Casimiro Andrada, Carles, Iloilo, through the Atty. Alfonso M. Delicana, J. M. Basa St., Iloilo City; to register and confirm his title to the following properties:

Seventeen parcels of land more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-89532, sheet No. 1), situated in the barrio Cabuguana, municipality of Carles, Province of Iloilo. Bounded on the NE. by property of Juan Villanueva; on the SE. by property of Soledad Villanueva; on the SW. by properties of Juan Villanueva and Fortunato Acolentava; and on the NW. by property of the heirs of Manuel Lopez. Point 1 is S. $63^{\circ} 48'$ E., 1,479.34 meters more or less from B.L.L.M. No. 2, Carles. Area 22,987 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-89532, Sheet No. 2), situated in the barrio of Cabilao Grande, municipality of Carles, Province of Iloilo. Bounded on the NE. by properties of Estanislao Bensurto, Lucio Joaquin and Benito Bullo; on the SE. by properties of Benito Bullo and Paulino Ignacio; on the SW. by properties of Paulino Ignacio, Buenaventura Bo-aya and Pedro Olmido; and on the NW. by property of Pio Bartolome. Point 1 is S. $14^{\circ} 58'$ E., 2,385.83 meters, more or less from B.L.L.M. No. 1, Carles. Area 81,456 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-89532, sheet No. 2), situated in the barrio of Cabilao Grande, municipality of Carles, Province of Iloilo. Bounded on the NE. and SE. by the public land; on the SW. by the public land and property of the heirs of Maximo Ajosan; and on the NW. by properties of Pedro Villanueva and Benigno Solaber. Point 1 is S. $21^{\circ} 24'$ E., 3,252.46 meters, more or less from B.L.L.M. No. 1, Carles. Areas 33,028 square meters, more or less.

4. A parcel of land (lot No. 4, plan Psu-89532, sheet No. 3), situated in the barrio of Tupas, municipality of Carles, Province of Iloilo. Bounded on the N., SW. and NW. by property of Nicolas riano; on the E. and SE. by property of Nicolas Buenaflo; and on the S. by the Tupas River. Point 1 is N. $34^{\circ} 34'$ E., 3,933.27 meters, more or

less from B.L.L.M. No. 1, Balasan. Area 22,659 square meters, more or less.

5. A parcel of land (lot No. 5, plan Psu-89532, sheet No. 4), situated in the barrio of Tupas, municipality of Carles, Province of Iloilo. Bounded on the NE. by the public land and properties of the heirs of Manuel Lopez and Gerundio Miane; on the E. and SE. by property of the heirs of Manuel Lopez; on the SW. by property of Pacifico B. Cabuyoc; and on the NW. by lot No. 6 and property of the heirs of Manuel Lopez. Point 1 is S. $45^{\circ} 59'$ W., 6,337 meters, more or less from B.L.B.M. No. 2, Torong, Carles. Area 207,609 square meters, more or less.

6. A parcel of land (lot No. 6, plan Psu-89532, sheet No. 4), situated in the barrio of Tupas, municipality of Carles, Province of Iloilo. Bounded on the NE., SE. and S. by lot No. 5; and on the SW. and NW. by property of Pacifico B. Cabuyoc. Point 1 is S. $49^{\circ} 05'$ W., 7,465.17 meters, more or less from B.L.B.M. No. 2, Torong, Carles. Area 10,947 square meters, more or less.

7. A parcel of land (lot No. 1, plan Psu-85609, sheet No. 1), situated in the poblacion, municipality of Carles, Province of Iloilo. Bounded on the NE. by property of Paulino Delgado; on the SE. by properties of the heirs of Patricio Ramos, Pedro Feranea and Moises Enojas; on the SW. by the P. Gomez Street; and on the NW. by the Paterno Street. Point 1 is S. $64^{\circ} 40'$ E., 202.84 meters, more or less from B.L.L.M. No. 2, poblacion. Area 5,488 square meters, more or less.

8. A parcel of land (lot No. 2, plan Psu-85609, sheet No. 1), situated in the poblacion, municipality of Carles, Province of Iloilo. Bounded on the NE. by properties of Ponciano Baltazar and Jose Villanueva; on the SE. by the Zulueta Street; on the SW. by the Regidor Street; and on the NW. by properties of Tomas Santiago and Carpio Borgonia. Point 1 is S. $24^{\circ} 54'$ E., 294.26 meters, more or less from B.L.L.M. No. 2, poblacion. Area 1,612 square meters, more or less.

9. A parcel of land (lot No. 3, plan Psu-85609, sheet No. 1), situated in the poblacion, municipality of Carles, Province of Iloilo. Bounded on the NE. by property of Pablo Billones; on the SE. by the Resurreccion Street; on the SW. by property of the municipal government of Carles; and on the NW. by a sea. Point 1 is S. $78^{\circ} 03'$ W., 73.72 meters more or less from B.L.L.M. No. 2, poblacion. Area 1,293 square meters, more or less.

10. A parcel of land (lot No. 4, plan Psu-85609, sheet No. 2), situated in the barrio of Cabuguana, municipality of Carles, Province of Iloilo. Bounded on the NE. by properties of Petra Betita, Fortunato Acolentava and Santiago Buganas; on the SE. by property of Santiago Buganas; on the SW. by properties of Santiago Buganas, Tiburcio Betita and Maria Ormido; and on the NW. by properties of Maria Ormido, Macario Galingam and Eleuteria Salap. Point 1 is N. $84^{\circ} 05'$ E., 1,706.30 meters

more or less from B.L.L.M. No. 2, Carles. Area 82,713 square meters, more or less.

11. A parcel of land (lot No. 5, plan Psu-85609, sheet No. 2), situated in the barrio of Cabuguana, municipality of Carles, Province of Iloilo. Bounded on the NE. and NW. by the Cabuguana Brook; on the S. by property of Petra Betita; and on the SW. by property of Liberato Guillen. Point 1 is N. $69^{\circ} 58'$ E., 1,683.96 meters more or less from B.L.L.M. No. 2, Carles. Area 7,194 square meters, more or less.

12. A parcel of land (lot No. 1, plan Psu-87971), situated in the poblacion, municipality of Carles, Province of Iloilo. Bounded on the N. and NW. by property of Anacleto Bellocillo; on the NE. by properties of Anacleto Bellocillo and Damaso Bangibang; on the SE. by property of Jose Villanueva; and on the SW. by the municipal road. Point 1 is S. $59^{\circ} 30'$ E., 339.28 meters more or less from B.L.L.M. No. 2, Carles. Area 28,563 square meters, more or less.

13. A parcel of land (lot No. 2, plan Psu-87971), situated in the poblacion, municipality of Carles, Province of Iloilo. Bounded on the NE. by the municipal road; on the E. by property of Jose Villanueva; on the SE. by property of Perfecto Villanueva; on the SW. by properties of Pablo Villones and Anacleto Bellocillo; and on the NW. by properties of Aureo Bellocillo, Gregorio Lamiga and the municipal government of Carles. Point 1 is S. $51^{\circ} 41'$ E., 814.06 meters more or less from B.L.L.M. No. 2, Carles. Area 89,294 square meters, more or less.

14. A parcel of land (lot No. 3, plan Psu-88114, sheet No. 2), situated in the barrio of Cauayan, municipality of Carles, Province of Iloilo. Bounded on the NE. by properties of Ramon Alaba and Michaelo Bantillo; on the SE. by properties of Michaelo Bantillo and Ramon Alaba; on the SW. by property of Ramon Alaba; on the W. by property of the heirs of Manuel Lopez; and on the NW. by property of Canuto Tolosa. Point 1 is N. $88^{\circ} 34'$ E., 2,510.78 meters more or less from P.B.M. No. 3, Capiz and Iloilo. Area 58,630 square meters, more or less.

15. A parcel of land (lot No. 1, plan Psu-119448), situated in the barrio of Tupas, municipality of Carles, Province of Iloilo. Bounded on the NE. by properties of Victorino Francisco, Miguel Francisco and Enrique Soriano; on the SE. by the Tupas River; on the S. by property of Pedro Andriás; on the SW. by lot No. 2 and property of Francisco T. Lopez; and on the NW. by property of Francisco T. Lopez. Point 1 is S. $43^{\circ} 05'$ W., 7,330.88 meters more or less from B.L.L.M. No. 2, Tarong. Area 42,460 square meters, more or less.

16. A parcel of land (lot No. 2, plan Psu-119448), situated in the barrio of Tupas, municipality of Carles, Province of Iloilo. Bounded on the N., E. and NW. by lot No. 1; and on the S. by properties of Teresa Billones and Juan Villagracia. Point 1

is S. $42^{\circ} 02'$ W., 7,214.50 meters more or less from B.L.L.M. No. 2, Tarong. Area 6,833 square meters, more or less.

17. A parcel of land (plan Psu-tII-1343), situated in the barrio of Baclod, municipality of Balasan, Province of Iloilo. Bounded on the N. by the Aranjuez Hacienda and the Small Sibariuan River; on the NE. by the Small Sibariuan River, property of Leonardo Soriano, and the Aranjuez Hacienda; on the SE. by the Batuan River, the Aranjuez Hacienda, property of Ignacio Aguilar and the Large Sibariuan River; on the SW. by the Aranjuez Hacienda; and on the NW. by property of Clemente Pedrina and the Aranjuez Hacienda. Point 1 is N. $40^{\circ} 24'$ E., 1,695.08 meters to B.L.L.M. No. 1, Balasan. Area 288,214 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Iloilo, at its session to be held in the City of Iloilo, Philippines, on the 25th day of April, 1951, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Manuel Blanco, judge of said court, the 9th day of October, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF
CAVITE

Land Registration Case No. 86. G.L.R.O. Record No. 3653

HERMOGENES C. CALUGDAN, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal, the District Engineer and Praxedes Cruz, Cavite City; the Municipal Mayor, Hilaria Cuenca and Antonio Santero, Bacoor, Cavite; and to all whom it may concern:

Whereas, an application has been presented to this Court by Hermogenes C. Calugdan, Cavite City, through the Atty. Primo O. Anuat, Cavite City, to register and confirm his title to the following property:

A parcel of land (plan Psu-127108), situated in the barrio of Alima, municipality of Bacoor, Province of Cavite. Bounded on the NE. by property of Hilaria Cuenca et al., on the SE. by property

of Antonio Santero; on the SW. and W. by the Mabolo River; and on the NW. by the Alima River. Point 1 is S. $46^{\circ} 53' W.$, 885.82 meters from B.L.L.M. No. 1, Bacoor, Cavite. Area 10,261 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Cavite, at its session to be held in the City of Cavite, Philippines, on the 25th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose Bernabe, judge of said court, the 24th day of November, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest:

ENRIQUE ALTAVAS

Chief of the General Land

Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF LAGUNA

Land Registration Case No. 117. G.L.R.O. Record No. 3528

ZOILA TAMBAN ET AL., applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Santa Cruz, Laguna; the Municipal Mayor, Los Baños, Laguna; Magno Simon, Francisco Ramirez, Eulogia Leyva, Leonila Miranda, Ulpiano Ramirez, Francisco Tamban, Maria de los Reyes, Crispin Garcia, German Diaz, Domingo Erasga, Patricio Morillo, Moises Retes, Irineo Escoben, Tomas Morillo, Sixto Tandang, Ramon Garcia, Macario Escoben, Julio Erasga, Pablo Lontoc, Faustino Tandang, Cirila Tandang and Gregorio Villegas, Mayundon, Los Baños, Laguna; and to all whom it may concern:

Whereas, an application has been presented to this Court by Zoila Tamban, Filomena Tamban, Pedro Tamban, Alejandro Tamban and Raymundo Tamban, Mayundon, Los Baños, Laguna, to register and confirm their title to the following properties:

Eight parcels of land with the buildings and improvements thereon, situated in the barrio of Mayundon, municipality of Los Baños, Province of Laguna, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-126050). Bounded on the E. by property of Patricio Morillo (now) Moises Retes; on the SE. by properties of Patricio Morillo, Irineo Escoben (now) Tomas Morillo, Irineo Escoben (now) Macario Escoben and Julio Erasga; on the SW. by properties of Pablo Lontoc (now) Ramon Garcia and Faustino Tandang and lot No. 7; and on the NW. by lot No. 2. Point 1 is N. $43^{\circ} 36' E.$, 2,267.89 meters from B.L.L.M. No. 1, Los Baños. Area 10,450 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-126050). Bounded on the NE. by property of Patricio Morillo (now) Moises Retes; on the SE. by lot No. 1; on the SW. by lots Nos. 1 and 7; and on the NW. by the Laguna de Bay and lot No. 3. Point 1 is N. $43^{\circ} 57' E.$, 2,450.59 meters from B.L.L.M. No. 1, Los Baños. Area 6,397 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-126050). Bounded on the NE. by property of Faustino Tandang (now) Sixto Tandang; on the SE. by property of Patricio Morillo (now) Moises Retes and lot No. 2; on the SW. by lot No. 2; and on the NW. by the Laguna de Bay and lots Nos. 4 and 6. Point 1 is N. $44^{\circ} 08' E.$, 2,480.39 meters from B.L.L.M. No. 1, Los Baños. Area 9,694 square meters, more or less.

4. A parcel of land (lot No. 4, plan Psu-126050). Bounded on the NE. by lots Nos. 6 and 3; on the SE. and S. by lot No. 3; and on the NW. by the Laguna de Bay and lots Nos. 8 and 5, and property of Julio Erasga. Point 1 is N. $41^{\circ} 34' E.$, 2,306 meters from B.L.L.M. No. 1, Los Baños. Area 6,386 square meters, more or less.

5. A parcel of land (lot No. 5, plan Psu-126050). Bounded on the NE. and S. by lot No. 4; and on the NW. by lot No. 8. Point 1 is N. $41^{\circ} 27' E.$, 2,329.74 meters from B.L.L.M. No. 1, Los Baños. Area 4,377 square meters, more or less.

6. A parcel of land (lot No. 6, plan Psu-126050). Bounded on the NE. by properties of Gregorio Villegas claimed by Faustino Tandang; Gregorio Villegas claimed by Faustino Tandang (now) Sixto Tandang and Faustino Tandang (now) Sixto Tandang; on the SE. by lot No. 3; on the SW. by lot No. 4 and property of Julio Erasga; and on the NW. by property of Gregorio Villegas claimed by Faustino Tandang. Point 1 is N. $43^{\circ} 09' E.$, 2,511.59 meters from B.L.L.M. No. 1, Los Baños. Area 6,288 square meters, more or less.

7. A parcel of land (lot No. 7, plan Psu-126050). Bounded on the NE. by lots Nos. 2 and 1; on the SW. by property of Faustino Tandang (now) Moises Retes; and on the NW. by the Laguna de Bay. Point 1 is N. $41^{\circ} 53' E.$, 2,225.40 meters from B.L.L.M. No. 1, Los Baños. Area 511 square meters, more or less.

8. A parcel of land (lot No. 8, plan Psu-126050). Bounded on the NE. by property of Julio Erasga; on the SE. by lot No. 5; on the S. by lot No. 4.

and on the NE. by the Laguna de Bay. Point 1 is N. $40^{\circ} 39'$ E., 2,354.44 meters from B.L.L.M. No. 1, Los Baños. Area 4,531 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Laguna, at its session to be held in the municipality of Santa Cruz, Province of Laguna, Philippines, on 24th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Nicasio Yatco, judge of said court, the 30th day of September, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest: **ENRIQUE ALTAVAS**
*Chief of the General Land
 Registration Office*
 [1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
 LAGUNA**

Land Registration Case No. 118. G.L.R.O. Record No. 3529

**MAXIMIANO URRIZA and FRANCISCA COMETA,
 applicants**

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Santa Cruz, Laguna; the Municipal Mayor, Arnulfo Montesines, the heirs of Floserfina Hombrebueno c/o Dionisio Nobleza, Dionisio Nobleza and Angel Villanueva, Lilio, Laguna; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Maximiano Urriza and Francisca Cometa, Lilio, Laguna, to register and confirm their title to the following property:

A parcel of land (plan Psu-124557), situated in the barrio of Palayan, municipality of Lilio, Province of Laguna. Bounded on the NE. by a canal and property of Angel Villanueva; on the SE. by the Magdalena-Lilio provincial road; on the SW. by the Aoy Creek; and on the NW. by a canal and properties of Arnulfo Montesines, the heirs of Floserfina Hombrebueno and Dionisio Nobleza. Point 1 is N. $17^{\circ} 37'$ E., 822.14 meters from B.L.L.M. No. 2, Lilio, Laguna. Area 23,264 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Laguna, at its session to be held in the municipality of Santa Cruz, Province of

of Laguna, Philippines, on the 25th day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Nicasio Yatco, judge of said court, the 2nd day of October, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest:

ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE OF
 DAVAO**

Land Registration Case No. 21. G.L.R.O. Record No. 2851

CANDIDO LUMANGTAD, applicant
NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Davao City; the Municipal Mayor, Compostela, Davao; Elieser Valencia and Conrado Lumangtad, Tagum, Davao; Luciano Sanchez, Francisco Padilla and Basilio Ejera, Linuan, Compostela, Davao; and Crescenciana Solante, Piapi, Santa Ana, Davao City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Candido Lumangtad, Piapi, Santa Ana, Davao City, to register and confirm his title to the following property:

A parcel of land (plan Psu-118032), with the building and improvements thereon, situated in the barrio of Linuan, municipality of Compostela, Province of Davao. Bounded on the N. by property of Luciano Sanchez; on the NE. by properties of Luciano Sanchez, Elieser Valencia and Conrado Lumangtad and the Manat River; on the SE. by the Manat River; on the SW. by properties of Basilio Ejera and Francisco Padilla; and on the W. by the Davao-Agusan national road. Point 1 is N. $5^{\circ} 21'$ E., 1,469.73 meters from B.L.L.M. No. 29, Compostela cadastre No. 282. Area 962,320 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Davao, at its session to be held in the City of Davao, Philippines, on the 23rd day of April, 1951, at 9 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless

you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 15th day of September, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest: **ENRIQUE ALTAVAS**
*Chief of the General Land
 Registration Office*
 [1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF DAVAO

Land Registration Case No. 22. G.L.R.O. Record No. 3310

ENRIQUE FERNANDO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Davao City; the Municipal Mayor, Caraga, Davao; Concepcion Santos Vda. de Fuentebella and Irene Gumobao, San Pedro, Caraga, Davao; and to all whom it may concern:

Whereas, an application has been presented to this Court by Enrique Fernando, San Pedro, Caraga, Davao, through the Atty. Leopoldo M. Abellera, Davao City, to register and confirm his title to the following property:

A parcel of land (plan Psu-28600) with the improvements thereon, situated in the barrio of San Pedro, municipality of Caraga, Province of Davao. Bounded on the NE. by property of Lucinio Fuentebella and the Caraga River; on the SE. by the Kauaig River; on the SW. by the Kauaig River, a dried creek and property of Lucinio Fuentebella; and on the NW. by property of Lucinio Fuentebella. Point 1 is S. $77^{\circ} 44' W.$, 747.54 meters from B.L.L.M. No. 2, San Pedro, Caraga. Area 578,896 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Davao, at its session to be held in the City of Davao, Philippines, on the 24th day of April, at 9 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 15th day of September, in the year 1950.

Issued at Manila, Philippines, the 28th day of December, 1950.

Attest: **ENRIQUE ALTAVAS**
*Chief of the General Land
 Registration Office*
 [1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF ILOCOS SUR

Land Registration Case No. 37. G.L.R.O. Record No. 3504

MAURICIO PACIS and MARIA PADERNAL, applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Vigan, Ilocos Sur, the Municipal Mayor and Urbano Peneyra, Lapog, Ilocos Sur; Celerino Jimenez, Liberato Jimenez, Elpidio Jimenez, Eduarda Jacob, David Ramos, Wenceslao Jimenez and Hilaria Jimenez, Barbar, Lapog, Ilocos Sur; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Mauricio Pacis and Maria Padernal, Bantay, Ilocos Sur, to register Atty. F. V. Vergara, Vigan, Ilocos Sur, to register and confirm their title to the following property:

A parcel of land (plan Psu-124317), situated in the barrio of Barbar, municipality of Lapog, Province of Ilocos Sur. Bounded on the N. by an irrigation canal and property of Celerino Jimenez; on the NE. by an irrigation canal and properties of Celerino Jimenez, Liberato Jimenez and Elpidio Jimenez; on the SE. by properties of Eduarda Jacob, David Ramos and Wenceslao Jimenez; on the SW. by property of Urbano Peneyra; and on the NW. by properties of Celerino Jimenez, Liberato Jimenez and Hilaria Jimenez. Point 1 is N. $58^{\circ} 20' E.$, 1,0197.44 meters from B.L.L.M. No. 1, Magsingal, Ilocos Sur. Area 44,326 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Ilocos Sur, at its session to be held in the municipality of Vigan, Province of Ilocos Sur, Philippines, on the 21st day of April, 1951, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Zoilo Hilario, judge of said court, the 26th day of September, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest:

ENRIQUE ALTAVAS
*Chief of the General Land
Registration Office*

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF LEYTE

Land Registration Case No. 15. G.L.R.O. Record No. 3597

BEATRIZ G. GABRINO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Tacloban, Leyte; the Municipal Mayor, Eleuterio Batoc, Simeon Kempis and the heirs of Felicidad Saño, Dulag, Leyte; and to all whom it may concern:

Whereas, an application has been presented to this Court by Beatriz G. Gabrino, Dulag, Leyte, to register and confirm her title to the following property:

A parcel of land (plan Psu-126161) with the building and improvements thereon, situated in the poblacion, municipality of Dulag, Province of Leyte. Bounded on the NE. by property of Eleuterio Batoc; on the SE. by property of Simeon Kempis; on the SW. by the Rizal Street; and on the NW. by property of the heirs of Felicidad Saño. Point 1 is N. $64^{\circ} 52' W.$, 137.78 meters from B.L.L.M. No. 1, Dulag. Area 250 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Leyte, at its session to be held in the municipality of Tacloban, Province of Leyte, Philippines, on the 21st day of April, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree, entered thereon.

Witness the Hon. Jose S. Rodriguez, judge of said court, the 23rd day of October, in the year 1950.

Issued at Manila, Philippines, this 28th day of December, 1950.

Attest:

ENRIQUE ALTAVAS
*Chief of the General Land
Registration Office*

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF CAVITE

Land Registration Case No. 87. G.L.R.O. Record No. 3812

CONSTANTINO DIAZ ATIENZA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Cavite City; the Municipal Mayor, Noveleta, Cavite; Miguel R. Alvarez c/o Doroteo Alvarez and the heirs of Gabino Robles c/o Claro Reyes, Gen. P. Alvarez St., Noveleta, Cavite; and to whom it may concern:

Whereas, an application has been presented to this Court by Constantino Diaz Atienza, Gen. P. Alvarez St., Noveleta, Cavite, through the Atty. Antonio Baredo, 507 Filipinas Bldg., Plaza Moraga, Manila, to register and confirm his title to the following property:

A parcel of land (plan Psu-126633), with the improvements thereon, situated in the poblacion, municipality of Noveleta, Province of Cavite. Bounded on the NE. and SE. by property of Miguel R. Alvarez; on the S. by a road to Cavite; and on the NW. by property of the heirs of Gavino Robles. Point 1 is N. $11^{\circ} 52' W.$, 249.66 meters from B.L.L.M. No. 1, Noveleta, Cavite. Area 596 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

Your are hereby cited to appear before the Court of First Instance of Cavite, at its session to be held in the City of Cavite, Philippines, on the 24th day of April, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree, entered thereon.

Witness the Hon. Antonio G. Lucero, judge of said court, the 11th day of December, in the year 1950.

Issued at Manila, Philippines, this 5th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
*Chief of the General Land
Registration Office*

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF QUEZON

Land Registration Case No. 121. G.L.R.O. Record No. 3502

ANTONIO B. LANDICHO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of

Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lucena, Quezon; the Municipal Mayor and Esperanza Gatchalian, Macalelon, Quezon; Leonilo Peñeda, Domingo Avila and Valentin Rosero, Amuntay, Macalelon, Quezon; and to all whom may concern:

Whereas, an application has been presented to this Court by Antonio B. Landicho, Macalelon, Quezon, through the Atty. Santiago F. Alidio, 320 Natividad Bldg., Escolta, Manila, to register and confirm his title to the following property:

A parcel of land (plan Psu-121646), situated in the barrio of Amuntay, municipality of Macalelon, Province of Quezon. Bounded on the NE. by property of Domingo Avila; on the SE. by property of Valentin Rosero and the Palkayangin Creek; on the SW. by a sea; and on the NW. by property of Leonilo Peñeda. Point 1 is S. $7^{\circ} 29'$ W., 1,832.43 meters from B.L.L.M. No. 1, Macalelon. Area 114,396 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Quezon, at its session to be held in the municipality of Lucena, Province of Quezon, Philippines, on the 17th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Antonio Cañizares, judge of said court, the 8th day of November, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
Registration Office*
[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF QUEZON**

Land Registration Case No. 122. G.L.R.O. Record No. 3590

FRANCISCA SALUD, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lucena, Quezon; the Municipal Mayor, the heirs

of Timotea Umali c/o Dr. Masangkay, Ignacio Umali, Timotea Umali, Heraclio Umali, Geminiano Dequinio, Feliza Magbiray, Claro Recto c/o Blas Areglado, Basilio Robles, Paterno Chumacera and Alfonso Alenia, Tiaong, Quezon; and the heirs of Carolina Trevenio c/o Zacarias Bundalion, San Pablo City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Francisca Salud, Lusacan, Tiaong, Quezon, to register and confirm her title to the following properties:

Two parcels of land with the improvements thereon, situated in the barrio of Lusacan, municipality of Tiaong, Province of Quezon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-120865, sheet No. 1). Bounded on the NE. by property of the heirs of Timotea Umali; on the SE. by properties of Ignacio, Timotea and Heraclio Umali and Heraclio Umali, a creek and property of Geminiano Dequinio; on the SW. and W. by property of Feliza Magbiray; and on the NW. by a creek. Point 1 is N. $45^{\circ} 32'$ W., 3,576.75 meters from B.L.B.M. No. 31, Lagalag, Tiaong, Quezon. Area 30,480 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-120865, sheet No. 2). Bounded on the NE. by a creek and properties of the heirs of Carolina Trevenio and Claro Recto; on the SE. by property of Basilio Robles; on the SW. by properties of Paterno Chumacera and Alfonso Alenia; and on the NW. by a creek. Point 1 is N. $55^{\circ} 13'$ W., 3,915.70 meters from B.L.B.M. No. 31, Lagalag, Tiaong, Quezon. Area 17,390 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Quezon, at its session to be held in the municipality of Lucena, Province of Quezon, Philippines, on the 17th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Antonio Cañizares, judge of said court, the 8th day of November, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
Registration Office*
[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF QUEZON

Land Registration Case No. 123. G.L.R.O. Record No. 3591

ARTEMIO MALABANAN and BARBARA GOOL ET AL.,
applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lucena, Quezon; the Municipal Mayor, Serapia de Gala, Teodoro Magadia and Constancia Bustamante, Candelaria, Quezon; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Artemio Malabanan and Barbara Gool and the spouses Cayetano Malabanan and Romana Gool, Candelaria, Quezon, through the Atty. Deogracias de Luna, Candelaria, Quezon, to register and confirm their title to the following property:

A parcel of land (SWO-26465) lot No. 7, Psu-29379-Amd.-3), situated in the poblacion, municipality of Candelaria, Province of Quezon. Bounded on the N. by the Nadres Street; on the E. and S. by property of Serapia de Gala; and on the W. by property of Teodoro Nagadia and Constancia Bustamante. Point 1 is S. 65° 45' E., 313.33 from B.L.L.M. No. 6, Candelaria, Quezon. Area 299 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Quezon, at its session to be held in the municipality of Lucena, Province of Quezon, Philippines, on the 17th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Antonio Cañizares, judge of said court, the 8th day of November, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE OF CAMARINES NORTE

Land Registration Case No. 35. G.L.R.O. Record No. 3247

VICENTE E. FERMO and FELICIDAD ABSONDA,
applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Daet, Camarines Norte; the Municipal Mayor, Felix Vibas, Paula Talento and Esperanza Talento, Capalonga, Camarines Norte; the heirs of Serapion Ojas c/o Guillermo Ojas, Pablo Sarmiento and Francisca Morillo, Calabaca, Capalonga, Camarines Norte; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Vicente E. Fermo and Felicidad Absonda, Capalonga, Camarines Norte, to register and confirm their title to the following properties:

Two parcels of land with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-124435), situated in the poblacion, municipality of Capalonga, Province of Camarines Norte. Bounded on the NE. by property of Felix Vibas and the Catioan River; on the SE. by properties of Paula Talento and Esperanza Talento; on the SW. by the Real Street; and on the NW. by the R. Lapak Street. Point 1 is S. 52° 33' E., 124.07 meters from B.L.L.M. No. 1, Capalonga. Area 435 square meters, more or less.

2. A parcel of land (plan Psu-122999), situated in the barrio of Calabaca, municipality of Capalonga, Province of Camarines Norte. Bounded on the NE. by properties of Francisca Morillo and Vicente E. Fermo; on the SE. by properties of the heirs of Serapion Ojas and Pablo Sarmiento; on the SW. by the Calabaca River and property of Pablo Sarmiento; and on the NW. by the Calabaca Bay. Point 1 is S. 62° 47' W., 7,361.50 meters from B.L.L.M. No. 2, Capalonga. Area 40,011 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Camarines Norte, at its session to be held in the municipality of Daet, Province of Camarines Norte, Philippines, on the 17th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever

barred from contesting said application or any decree entered thereon.

Witness the Hon. Maximo Abaño, judge of said court, the 30th day of October, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*
 [1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
 OF PANGASINAN**

Land Registration Case No. 910. G.L.R.O. Record No. 3576

MARCELINA LAGULA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lingayen, Pangasinan; the Municipal Mayor, San Nicolas, Pangasinan; Bonifacio Serquiña, Lorenzo Serquiña, Candido Serquiña, Victoriano Serquiña and Cayetano Serquiña, Cacabugaoan, San Nicolas, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Marcelina Lagula, Cacabugaoan, San Nicolas, Pangasinan, through the Atty. Vicente Bengzon, Lingayen, Pangasinan, to register and confirm her title to the following property:

A parcel of land (plan Psu-123516), situated in the barrio of Cacabugaoan, municipality of San Nicolas, Province of Pangasinan. Bounded on the NE. by property of Bonifacio Serquiña; on the SE. by properties of Lorenzo Serquiña and Candido Serquiña; on the SW. by a callejon; and on the NW. by property of Victoriano Serquiña. Point 1 is N. 7° 30' W., 2,981.07 meters from B.L.L.M. No. 1, Natividad, Pangasinan. Area 3,314 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Tayug, Province of Pangasinan, Philippines, on the 17th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Rodolfo Baltasar, judge of said court, the 31st day of October, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*
 [1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
 OF PANGASINAN**

Land Registration Case No. 911. G.L.R.O. Record No. 3577

DOROTEA NILMEDA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lingayen, Pangasinan; the Municipal Mayor, Felipe Quirimit and Sotero Espiritu, Natividad, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Dorotea Nilmeda, Batchelor, Natividad, Pangasinan, through the Atty. Vicente Bengzon, Lingayen, Pangasinan, to register and confirm her title to the following property:

A parcel of land (plan Psu-121798), situated in the barrio of Batchelor, municipality of Natividad, Province of Pangasinan. Bounded on the NE. by property of Felipe Quirimit; on the SE. by a barrio road; on the SW. by property of Sotero Espiritu; and on the NW. by an irrigation ditch. Point 1 is N. 63° 47' E., 818.96 meters from B.L.L.M. No. 2, Natividad, Pangasinan. Area 9,523 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Tayug, Province of Pangasinan, Philippines, on the 17th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Rodolfo Baltasar, judge of said court, the 31st day of October, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*
 [1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF PANGASINAN**

Land Registration Case No. 912. G.L.R.O. Record No. 3578

PEDRO AGSALUD, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lingayen, Pangasinan; the Municipal Mayor and Fruto Pass, Natividad, Pangasinan; Saturnino Rongello, Salud, Natividad, Pangasinan; Isidro Ribojo, Anatalia Eslava, Tito Manaois and Jacinta Barcena, Batchelor, Natividad, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Pedro Agsalud, Batchelor, Natividad, Pangasinan, through the Atty. Vicente Bengzon, Lingayen, Pangasinan, to register and confirm his title to the following property:

A parcel of land (plan Psu-122111), situated in the barrio of Batchelor, municipality of Natividad, Province of Pangasinan. Bounded on the NE. by property of Isidro Ribojo; on the SE. and S. by property of Anatalia Eslava; on the SW. by property of Tito Manaois; and on the NW. by property of Saturnino Rongello. Point 1 is N. $57^{\circ} 14'$ E., 2,188 meters from B.L.L.M. No. 1, Natividad, Pangasinan. Area 6,579 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Tayug, Province of Pangasinan, Philippines, on the 17th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Rodolfo Baltasar, judge of said court, the 31st day of October, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS

*Chief of the General Land
Registration Office*

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF PANGASINAN**

Land Registration Case No. 899. G.L.R.O. Record No. 3556

MARCELINO FERIALDE ET AL., applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the

Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lingayen, Pangasinan; the Municipal Mayor, the Survey Title & Construction Bureau Inc., the heirs of Emilio Bernarte c/o Sabina Bernarte, the heirs of Eustaquio Cariño c/o Pedro Cariño Isidro Perez and Generosa Deoferio, Tayug, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Marcelino Ferialde, Gregoria Ferialde and Juanita Ferialde, Tayug, Pangasinan, through the Atty. Manuel P. Pastor, Tayug, Pangasinan, to register and confirm their title to the following property:

A parcel of land (plan Psu-122609), situated in the barrio of Libertad, municipality of Tayug, Province of Pangasinan. Bounded on the N., SW. and NW. by property of the heirs of Eustaquio Cariño; on the NE. by an irrigation ditch and properties of the heirs of Emilio Bernarte and Isidro Perez; and on the SE. and S. by property of the heirs of Eustaquio Cariño (before) Generosa Deoferio (now). Point 1 is S. $16^{\circ} 49'$ E., 1,815.87 meters from B.L.L.M. No. 1, Tayug, Pangasinan. Area 6,881 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Tayug, Province of Pangasinan, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Rodolfo Baltasar, judge of said court, the 31st day of October, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS

*Chief of the General Land
Registration Office*

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF PANGASINAN**

Land Registration Case No. 900. G.L.R.O. Record No. 3557

**VICENTE TENEFRANCIA and VALENTINA JAVIER,
applicants**

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer.

and the Survey, Title & Construction Bureau, Inc., Tayug, Pangasinan; David Kagaoan and the heirs of Alberto Goloyogo c/o Flora Goloyogo, Libertad, Tayug, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Vicente Tenefrancia and Valentina Javier, Poblacion, Tayug, Pangasinan, through the Attys. Allas & Pastor, Tayug, Pangasinan, to register and confirm their title to the following property:

A parcel of land (plan Psu-118674), situated in the barrio of Libertad, municipality of Tayug, Province of Pangasinan. Bounded on the NE. and SW. by properties of the heirs of Alberto Goloyogo; on the SE. by an irrigation ditch and on the NW. by property of David Kagaoan. Point 1 is S. 85° 42' E., 1,424.37 meters from B.L.B.M. No. 3, Libertad, Tayug, Pangasinan. Area 4,058 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Tayug, Province of Pangasinan, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Rodolfo Baltasar, judge of said court, the 31st day of October, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF PANGASINAN**

Land Registration Case No. 901. G.L.R.O. Record No. 3558

ENRIQUE DOTIMAS and MAXIMA HORA, applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lingayen, Pangasinan; the Municipal Mayor, San Nicolas, Pangasinan; Valentín Francia, San José, San Nicolas, Pangasinan; María Martínez, María Layco and Victor Viernes, San Rafael, San Nicolas, Pangasinan; the heirs of Victorina Luarca % Mrs. Benita Millan, Asingan, Pangasinan; and the Survey, Title &

Construction Bureau, Inc., Tayug, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Enrique Dotimas and Maxima Hora, San Nicolas, Pangasinan, through the Attys. Allas & Pastor, Tayug, Pangasinan, to register and confirm their title to the following property:

A parcel of land (plan Psu-122613), situated in the barrio of San José, municipality of San Nicolas, Province of Pangasinan. Bounded on the NE. by property of Victor Viernes and María Layco (spouses); on the SE. by a creek and property of the heirs of Victorina Luarca; on the SW. by property of María Martínez; and on the NW. by an irrigation ditch and property of Valentín Francia. Point 1 is S. 40° 15' E., 2,228.68 meters from B.L.L.M. No. 2, San Nicolas, Pangasinan. Area 9,298 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Tayug, Province of Pangasinan, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Rodolfo Baltasar, judge of said court, the 31st day of October, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF PANGASINAN**

Land Registration Case No. 909. G.L.R.O. Record No. 3575

MARCOS SERQUIÑA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lingayen, Pangasinan; the Municipal Mayor, San Nicolas, Pangasinan; Francisca Serquiña, Modesta Serquiña, Luisa Serquiña, Juan Serquiña, Honofre Serquiña and Alberta Serquiña, Cacabugaoan, San Nicolas, Pangasinan; and Maximo Cajio, Salud, Natividad, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Marcos Serquiña, Cacabugaoan, San

Nicolas, Pangasinan, through the Atty. Vicente Bengzon, Lingayen, Pangasinan, to register and confirm his title to the following property:

A parcel of land (plan Psu-123123), situated in the barrio of San Jose, municipality of San Nicolas, Province of Pangasinan. Bounded on the NE, and NW. by property of Modesta, Luisa and Juan Serquiña; on the SE. by property of Honofre and Alberta Serquiña; and on the SE. by a ditch and property of Maximino Cajio. Point 1 is S. $69^{\circ} 30'$ E., 2,440.22 meters from B.L.L.M. No. 1, San Nicolas, Pangasinan. Area 3,693 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Tayug, Province of Pangasinan, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Rodolfo Baltasar, judge of said court, the 31st day of October, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF RIZAL**

Land Registration Case No. 415. G.L.R.O. Record No. 3467

EMILIO VELOSO and FELISA BERNABE, applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Parañaque, Rizal; Judge Jose Bernabe and Barbara Rodriguez, La Huerta, Parañaque, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Emilio Veloso and Felisa Bernabe, La Huerta, Parañaque, Rizal, through the Atty. Feliciano S. Guerrero, 404 Samanillo Bldg., Escolta, Manila, to register and confirm their title to the following property:

A parcel of land (plan Psu-125967), with the improvements thereon, situated in the poblacion, municipality of Parañaque, Province of Rizal. Bounded on the NE. by the M. H. del Pilar Street; on the SE. by properties of Barbara Rodriguez and Jose

on the NW. by a callejon. Point 1 is N. $54^{\circ} 29'$ E., 97.20 meters from church bell tower, Parañaque, Rizal. Area 305 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in Pasay City, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Bienvenido A. Tan, judge of said court, the 31st day of December, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF RIZAL**

Land Registration Case No. 414. G.L.R.O. Record No. 3453

FELONILA GINOGINO ABORDO and REGINA GINOGINO, applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, the Director of Forestry and the Rehabilitation Finance Corporation, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Dr. Beltran Abordo, Carlota Jiongco, Angelo Angeles, Claro Dizon, Patricio Quiteo, Arsenio Jiongco, Julito Ginogino, the heirs of Bartolome Ginogino, Fausta Jiongco, Pedro Omaña, Emilia Buntan, Teopista Jiongco and Narcisa Oliveros, Navotas, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Felonila Ginogino Abordo and Regina Ginogino, Navotas, Rizal, represented by their counsel Laura G. Poblete, 2217 Misericordia, Manila, to register and confirm their title to the following properties:

Four parcels of land with the buildings and improvements in the barrio of San Roque, municipality of Navotas, Province of Rizal, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-93439). Bounded on the NE. by property of Carlota Jiongco; on the SE. by property of Angelo Angeles vs. Claro Dizon:

property of Angelo Angeles *vs.* Patricio Quitco. Point 1 is N. 35° 17' W., 1,181.65 meters more or less from B.L.L.M. No. 1, Navotas. Area 111 square meters, more or less.

2. A parcel of land (plan Psu-93440). Bounded on the NE. by properties of Arsenia Jiongco and the heirs of Bartolome Ginogino; on the SE. by property of Angelo Angeles *vs.* Claro Dizon; on the SW. by properties of Antelo Angeles *vs.* Fausta Jiongco and Angelo Angeles *vs.* Patricio Quitco; and on the NW. by properties of Pedro Omaña and Emilia Buntan. Point 1 is N. 34° 35' W., 1,179.78 meters more or less from B.L.L.M. No. 1, Navotas. Area 459 square meters, more or less.

3. A parcel of land (plan Psu-93442). Bounded on the NE. by the Navotas River; on the SE. by property of the heirs of Bartolome Ginogino; on the SW. by property of Arsenia Jiongco; and on the NW. by property of Narciso Oliveros. Point 1 is N. 32° 59' W., 1,207.56 meters more or less from B.L.L.M. No. 1, Navotas. Area 229 square meters, more or less.

4. A parcel of land (plan Psu-93443). Bounded on the NE. by the Navotas River; on the SE. by the Navotas River and property of Claro Dizon *vs.* Angelo Angeles; on the SW. by property of Carlota Jiongco; and on the NW. by properties of Arsenia Jiongco and Julito Ginogino. Point 1 is 33° 18' W., 1,195.06 meters more or less from B.L.L.M. No. 1, Navotas. Area 292 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Caloocan, Province of Rizal, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Magno Gatmaitan, judge of said court, the 14th day of December, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF RIZAL**

Land Registration Case No. 431. G.L.R.O. Record No. 3742

AUGUSTO L. MEDINA and SOTERO OLIVEROS,
applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Malabon.

Rizal; Nelita Siongco, Lea Medina and Eusebia Cruz, Hulong Duhat, Malabon, Rizal; Dr. Federico Cruz and Manuel Relevante, Naval St., Malabon, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Augusto L. Medina and Sotero Oliveros, Hulong Duhat, Malabon, Rizal, through the Atty. Cipriano de los Reyes, 636 Azcarraga, Manila, to register and confirm their title to the following properties:

Two parcels of land, situated in the barrio of Flores, municipality of Malabon, Province of Rizal, more particularly determined and described on the plan and technical description attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-7548-Amd.). Bounded on the NE. by the Flores Street; on the SE. by lot No. 2; on the SW. by property of Benito Felix, now Dr. Federico Cruz; and on the NW. by property of Macario Bonson, now Eusebia Cruz. Point 1 is S. 1° 56' E., 835.62 meters from B.L.B.M. No. 1, Dampalit, Malabon. Area 204 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-7548-Amd.). Bounded on the NE. by the Flores Street; on the SE. by property of Manuel Relevante; on the SW. by property of Benito Felix, now Dr. Federico Cruz; and on the NW. by lot No. 1. Point 1 is S. 2° 16' E. 847.38 meters from B.L.B.M. No. 1, Dampalit, Malabon. Area 206 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Caloocan, Province of Rizal, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Magno Gatmaitan, judge of said court, the 2nd day of December, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF RIZAL**

Land Registration Case No. 432. G.L.R.O. Record No. 3743

FLORENCIA PEREZ, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor,

Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Patricio Sta. Ana and Cayetano de la Cruz, Malabon, Rizal; Gregorio Pacheco and Asuncion Agustines, Polo, Bulacan; Pedro Garcia, Muzon, Malabon, Rizal; Pedro Dar Lucio, Ponciano Dar Lucio and Hermogenes Salazar, Obando, Bulacan; Bruno Ramos, Gregorio Sioson, and Gregorio Bautista, Panghulo, Malabon, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Florencia Perez, 1942 Juan Luna, Tondo, Manila, through the Atty. David Guevara, 314 Regina Bldg., Escolta, Manila, to register and confirm her title to the following properties:

Eight parcels of land, situated in the barrio of Panghulo, municipality of Malabon, Province of Rizal, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan SWO-17460). Bounded on the NE., SE. and NW. by property of Gregorio Pacheco; and on the SW. by property of Ponciano Dar Lucio. Point 1 is S. 10° 09' E., 2,079.19 meters from B.L.L.M. No. 1, Polo. Area 2,928 square meters, more or less.

2. A parcel of land (lot No. 2, plan SWO-17460). Bounded on the NE. and NW. by property of Gregorio Pacheco; and on the SE. and SW. by property of Ponciano Dar Lucio. Point 1 is S. 10° 35' E., 2,122.85 meters from B.L.L.M. No. 1, Polo. Area 2,547 square meters, more or less.

3. A parcel of land (lot No. 3, plan SWO-17460). Bounded on the NE. by property of Pedro Dar Lucio; on the SE. and SW. by property of Ponciano Dar Lucio; and on the NW. by property of Gregorio Pacheco. Point 1 is S. 16° 54' E., 2,036.67 meters from B.L.L.M. No. 1, Polo. Area 3,241 square meters, more or less.

4. A parcel of land (lot No. 4, plan SWO-17460). Bounded on the NE. and NW. by property of Ponciano Dar Lucio; on the SE. by property of Hermogenes Salazar; and on the SW. by property of Bruno Ramos et al., claimed by Gregorio Sioson. Point 1 is S. 13° 49' E., 2,162 meters from B.L.L.M. No. 1, Polo. Area 6,715 square meters, more or less.

5. A parcel of land (lot No. 5, plan SWO-17460). Bounded on the NE., SE. and NW. by property of Asuncion Agustines; and on the SW. by property of Bruno Ramos et al., claimed by Gregorio Sioson. Point 1 is S. 18° 43' E., 2,175.40 meters from B.L.L.M. No. 1, Polo. Area 2,788 square meters, more or less.

6. A parcel of land (lot No. 6, plan SWO-17460). Bounded on the NE., SE. and NW. by property of Asuncion Agustines; and on the SW. by property of Gregorio Bautista. Point 1 is S. 19° 24' E., 2,215.80 meters from B.L.L.M. No. 1, Polo. Area 583 square meters, more or less.

7. A parcel of land (lot No. 7, plan SWO-17460). Bounded on the NE. by a road to Malabon; on the SE. and NW. by properties of Asuncion Agustines; and on the SW. by property of Bruno Ramos et al., claimed by Gregorio Sioson. Point 1 is S. 22° 56' E., 2,209.47 meters from B.L.L.M. No. 1, Polo. Area 7,651 square meters, more or less.

8. A parcel of land (lot No. 8, plan SWO-17460). Bounded on the NE. by a road to Panghulo and properties of Asuncion Agustines and Florencia Perez (formerly Cayetano de la Cruz); on the SE. by property of Gregorio Pacheco; on the SW. by property of Pedro Garcia; and on the NW. by property of Patricio Sta. Ana. Point 1 is S. 14° 19' E., 1,988.71 meters from B.L.L.M. No. 1, Polo. Area 10,068 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Caloocan, Province of Rizal, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Magno Gatmaitan, judge of said court, the 2nd day of December, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
*Chief of the General Land
Registration Office*

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE
OF RIZAL

Land Registration Case No. 407. G.L.R.O. Record No. 3331

CECILIA UNGCO, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Artemio Tuason, Macario Flores, the heirs of Feliciano Javier % Inocencio Javier, Valentina Quiogue and the heirs of Vedasto Castillo % Cecilio Castillo, Pateros Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Cecilia Ungco, Pateros, Rizal, to register and confirm her title to the following properties:

Two parcels of land, situated in the barrio of San Roque, municipality of Pateros, Province of Rizal, more particularly determined and described on the plan and technical descriptions attached to

the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 3, plan Psu-117617). Bounded on the NE. by property of the heirs of Feliciano Javier; on the SE. by lot No. 4; on the SW. by lot No. 1 (property of Macario Flores); and on the NW. by properties of the heirs of Vedasto Castillo and Valentina Quiogue. Point 1 is N. $5^{\circ} 57'$ W., 2,377.72 meters from B.L.L.M. No. 1, Tagig, Rizal. Area 289 square meters, more or less.

2. A parcel of land (lot No. 4, plan Psu-117617). Bounded on the NE. by property of the heirs of Feliciano Javier; on the SE. by the M. Almeda Street; on the SW. by lot No. 2 (property of Macario Flores); and on the NW. by lot No. 3. Point 1 is N. $5^{\circ} 57'$ W., 2,377.72 meters from B.L.L.M. No. 1, Tagig, Rizal. Area 34 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Pasig, Province of Rizal, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Demetrio B. Encarnacion, judge of said court, the 13th day of December, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE
OF RIZAL

Land Registration Case No. 430. G.L.R.O. Record No. 3741

HERMOGENES REODICA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Dorotea de Guzman, Maximo Francisco and Epifanio Fernandez, Cainta, Rizal; Leovigilda Jabson de Alfonso, Malinao, Pasig, Rizal; Silverio Tolentino and Pelagia Santos, Pineda, Pasig, Rizal; Nicolasa Manalo, Pateros, Rizal; Jose Damian, Wawa, Pasig, Rizal; Mariano Katipunan, Rosario, Pasig, Rizal; and Simeon Alfonso, Palatiw, Pasig, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this court by Hermogenes Reodica, Pineda, Pasig, Rizal, to register and confirm his title to the following properties:

Four parcels of land more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-125277, sheet No. 1), situated in the barrio of Baugo, municipality of Cainta, Province of Rizal. Bounded on the NE. and SE. by property of Nicolasa Manalo; on the SW. by property of Jose Damian; and on the NW. by properties of Mariano Katipunan and Simeon Alfonso. Point 1 is N. $85^{\circ} 22'$ E., 2,621.94 meters from B.L.L.M. No. 1, Pasig, Rizal. Area 16,618 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-125277, sheet No. 2), situated in the sitios of Makulot and Karalangan, barrio of San Andres, municipality of Cainta, Province of Rizal. Bounded on the N. and NE. by property of Maximo Francisco; on the SE. by the Cainta River; on the SW. by property of Dorotea de Guzman; and on the W. by property of Hermogenes Reodica. Point 1 is N. $78^{\circ} 25'$ W., 1,533.79 meters from B.L.L.M. No. 1, Taytay, Rizal. Area 6,762 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-125277, sheet No. 2), situated in the sitios of Makulot and Karalangan, barrio of San Andres, municipality of Cainta, Province of Rizal. Bounded on the N. by properties of Epifanio Fernandez and Hermogenes Reodica; on the E. by property of Hermogenes Reodica; and on the SE., SW. and W. by property of Epifanio Fernandez. Point 1 is N. $81^{\circ} 36'$ W., 1,784.76 meters from B.L.L.M. No. 1, Taytay, Rizal. Area 6,311 square meters, more or less.

4. A parcel of land (lot No. 4, plan Psu-125277, sheet No. 2), situated in the sitios of Makulot and Karalangan, barrio of San Andres, municipality of Cainta, Province of Rizal. Bounded on the N. by property of Dorotea de Guzman; on the NE. and E. by the Cainta River; on the SW. by property of Leovigilda Jabson de Alfonso; and on the W. and NW. by property of Silverio Tolentino. Point 1 is N. $86^{\circ} 03'$ W., 1,585.89 meters from B.L.L.M. No. 1, Taytay, Rizal. Area 10,939 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Pasig, Province of Rizal, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Demetrio B. Encarnacion, judge of said court, the 2nd day of December, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest: ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*
 [1, 2]

IN THE COURT OF FIRST INSTANCE, PROVINCE
 OF RIZAL

Land Registration Case No. 433. G.L.R.O. Record No. 3773

PEDRO ORTAÑEZ, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Pasig, Rizal; the Municipal Mayor, Pedro Evangelista, Isidoro Aniana, Macaria Tesoro, Pio Caisip, Gervacio Matignas, Juan Diñoso, Antero Belgado, Juan Ancahan, Alfonso Olaño, Maria Ferrera, Gregorio Bunot, Julio Catmunan, Andres Dimalanta, Gregorio Ilagas, Crisanta Bunot, Lucio de los Reyes, Remigio Aniana, Procopio Matignas, Adriano Ramirez, Fidel Manalo, Serapin Llagas, Andres Cabandong, Mauro Cabandong, Jose Tupas, Agustin Tesoro and Marciana de Ocampo, Baras, Rizal; and Ramon Gomez, Morong Rizal; and to all whom it may concern:

Whereas, an application has been presented to this court by Pedro Ortañez, Baras, Rizal, to register and confirm his title to the following properties:

Eight parcels of land more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-110148, sheet No. 1), situated in the barrio of Kay-aliwas, municipality of Baras, Province of Rizal. Bounded on the NE. by property of Pedro Evangelista; on the E. by property of Isidoro Aniana; on the SW. by the national road to Tanay; and on the NW. by property of Macaria Tesoro. Point 1 is S. $67^{\circ} 10'$ E., 1,100.58 meters more or less from B.L.L.M. No. 2, Baras, Rizal. Area 244 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-110148, sheet No. 1), situated in the barrio of Kay-aliwas, municipality of Baras, Province of Rizal. Bounded on the NE. by the national road to Tanay; on the SE. by property of Isidoro Aniana and the Laguna Lake; and on the NW. by property of Isidoro Aniana. Point 1 is S. $66^{\circ} 04'$ E., 1,107 meters more or less from B.L.L.M. No. 2,

Baras, Rizal. Area 9,616 square meters, more or less.

3. A parcel of land (lot No. 3, plan Psu-110148, sheet No. 2), situated in the poblacion, municipality of Baras, Province of Rizal. Bounded on the NE. by the Baras-Tanay national road (Real Street); on the SE. by the Bonifacio Street (before) Katuiran; on the SW. by property of Pio Caisip (formerly Anacleto Escorpion); and on the NW. by property of Gervasio Matignas (now) Ramon Matignas (before). Point 1 is N. $36^{\circ} 00'$ W., 158.20 meters from B.L.M. No. 2, Baras, Rizal. Area 167 square meters, more or less.

4. A parcel of land (lot No. 9, plan SWO-26809, sheet No. 3) (Psu-110143, sheet No. 4), situated in the barrio of Terondon, municipality of Baras, Province of Rizal. Bounded on the N. by property of Juan Diñoso (now) Baldomero Diñoso (before); on the NE. by properties of Ramon Gomez, Antero Belgado and Juan Ancahan; on the SE. by properties of Alfonso Olaño and Maria Ferrera (now) Agustin Ferrera (before); on the S. SW. and NW. by the Balate River; and on the W. by lot No. 18. Point 1 is S. $82^{\circ} 14'$ W., 871.06 meters from B.L.L.M. No. 2, Baras, Rizal. Area 14,405 square meters, more or less.

5. A parcel of land (lot No. 10, plan SWO-26809, sheet No. 4) (Psu-110148, sheet No. 5), situated in the barrio of Terondon, municipality of Baras, Province of Rizal. Bounded on the N. SW. and W. by property of Maria Ferrera (now) Agustin Ferrera (before); on the NE. by property of Gregorio Bunot (now) Higino Bunot (before); and on the SE. by property of Julio Catmunan. Point 1 is S. $68^{\circ} 51'$ W., 1,079.58 meters from B.L.L.M. No. 2, Baras, Rizal. Area 8,675 square meters, more or less.

6. A parcel of land (lot No. 15, plan SWO-26809, sheet No. 4) (Psu-110148, sheet No. 5), situated in the barrio of Torondon, municipality of Baras, Province of Rizal. Bounded on the NE. by properties of Andres Dimalanta and Gregorio Llagas; on the SE. by properties of Gregorio Llegas and Crisanta Bunot; on the SW. by properties of Lucio de los Reyes and Remigio Aniana; and on the NW. by property of Procopio Matignas. Point 1 is S. $14^{\circ} 24'$ W., 912.34 meters from B.L.L.M. No. 2, Baras, Rizal. Area 4,641 square meters, more or less.

7. A parcel of land (lot No. 16, plan SWO-26809, sheet No. 4) (Psu-110148, sheet No. 5), situated in the barrio of Torondon, municipality of Baras, Province of Rizal. Bounded on the NE. by properties of Serafin Llagas, Andres Cabandong and Mauro Cabandong and Andres Dimalanta; on the SE. by properties of Procopio Matignas, Jose Tupas (now) Lazaro de Ocampo (before) and Adriano Ramirez and the public land; on the S. by the public land; and on the NW. by properties of Agustin Tesoro and Marciana de Ocampo (now)

Fortunato de Ocampo (before). Point 1 is S. 32° 58' W., 673.52 meters from B.L.L.M. No. 2, Baras, Rizal. Area 18,417 square meters, more or less.

8. A parcel of land (lot No. 18, plan SWO-26809, sheet No. 3) (Psu-110148, sheet No. 4), situated in the barrio of Torondon, municipality of Baras, Province of Rizal. Bounded on the E. by lot No. 9; and on the SW. and NW. by the Balete River. Point 1 is S. 82° 38' W., 1,113.31 meters from B.L.L.M. No. 2, Baras, Rizal. Area 932 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Pasig, Province of Rizal, Philippines, on the 16th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Demetrio B. Encarnacion, judge of said court, the 6th day of December, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF PANGASINAN**

Land Registration Case No. 881. G.L.R.O. Record No. 3485

LUIS VALERIO and TEOFILA AQUINO, applicants

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lingayen, Pangasinan; the Municipal Mayor, San Nicolas, Pangasinan; Jose Ilasin, Marcelo Carbonel, Eliseo Abad, Cristobal Alaman, Bruna Serios, Agustin Salamanca, Prudencio Ilasin, Narciso Nibre, Agapito Lopez, Juana Miguel, Florencia Acenas and Florentino Serquiña, Cacabugaoan, San Nicolas, Pangasinan; and Juanita Mejia, San Quintin, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this court by the spouses Luis Valerio and Teofila Aquino, Poblacion, San Nicolas, Pangasinan, through the Atty. Vicente Bengzon, Lingayen, Pangasinan, to register and confirm their title to the following properties:

Two parcels of land, situated in the barrio of Cacabugaoan, municipality of San Nicolas, Prov-

ince of Pangasinan, more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-123118). Bounded on the E. by an irrigation ditch; on the SE. by property of Cristobal Alaman; on the SW. by property of Bruna Serios; and on the NW. by property of Jose Ilasin. Point 1 is N. 85° 02' E., 2559.47 meters from B.L.L.M. No. 1, San Nicolas, Pangasinan. Area 1,656 square meters, more or less.

2. A parcel of land (lot No. 2, plan Psu-123118). Bounded on the NE. by properties of Juanita Mejia, Prudencio Ilasin, Narciso Nibre and Agapito Lopez; on the SE. by properties of Juana Miguel and Eliseo Abad; on the W. by an irrigation ditch; and on the NW. by properties of Marcelo Carbonel, Florencia Acenas, Florentino Serquiña and Agustin Salamanca. Point 1 is N. 84° 01' E., 2,765.47 meters from B.L.L.M. No. 1, San Nicolas, Pangasinan. Area 15,765 square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Tayug, Province of Pangasinan, Philippines, on the 15th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Rodolfo Baltasar, judge of said court, the 31st day of October, in the year 1950.

Issued at Manila, Philippines, this 31st day of January, 1951.

Attest:

ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF PANGASINAN**

Land Registration Case No. 882. G.L.R.O. Record No. 3486

IGMEDIOD FERNANDEZ, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lingayen, Pangasinan; the Municipal Mayor, San Nicolas, Pangasinan; Telesforo Baloca, San Jose, San Nicolas, Pangasinan; Jacinto Quines, Francisco Serquiña and Maxima Salvia, Cacabugaoan, San Nicolas, Pang-

sinan; and Guadalupe Valdez, Salud, Natividad, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this court by Igmedio Fernandez, Salud, Natividad, Pangasinan, through the Atty. Vicente Bengzon, Lingayen, Pangasinan, to register and confirm his title to the following property;

A parcel of land (plan Psu-23133), situated in the barrio of San Jose, municipality of San Nicolas, Province of Pangasinan. Bounded on the NE. by an irrigation ditch and property of Jacinto Quines; on the SE. by property of Francisco Serquiña; on the SW. by an irrigation ditch and property of Maxima Salvia; and on the NW. by property of Telesforo Baloca. Point 1 is S. 80° 06' E., 1,952.91 meters from B.L.L.M. No. 1, San Nicolas, Pangasinan. Area 8,577 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Tayug, Province of Pangasinan, Philippines, on the 15th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Rodolfo Baltasar, judge of said court, the 31st day of October, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest: **ENRIQUE ALTAVAS**
Chief of the General Land
Registration Office
[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF PANGASINAN**

Land Registration Case No. 888. G.L.R.O. Record No. 3515

PABLO PASCUA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lingayen, Pangasinan; the Municipal Mayor, Eusebio de la Cruz, Paula Vinluan, Leopoldo Foncier, Fausto Tuviera, Gavino Ramirez and Silvestre Juarizo, Tayug, Pangasinan; and Francisca de la Peña, Pogot, Santa Maria, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Pablo Pascua, Pogot, Santa Maria, Pangasinan, through the Atty. Julian U. de Vera, Tayug, Pangasinan, to register and confirm his title to the following property:

A parcel of land (Plan Psu-123752), situated in the barrio of Agno, municipality of Tayug, Province of Pangasinan. Bounded on the N. and NE. by property of Paula Vinluan; on the SE. by properties of Leopoldo Foncier and Fausto Tuviera; on the SW. by property of Gavino Ramirez; and on the NW. by property of Silvestre Juarizo. Point 1 is S. 56° 39' W., 1,885.57 meters from B.L.L.M. No. 1, Tayug, Pangasinan. Area 4,908 square meters, more or less. Said parcel being more particularly determined and described on the plan and technical description attached to the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Tayug, Province of Pangasinan, Philippines, on the 15th day of May, 1951, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Rodolfo Baltasar, judge of said court, the 31st day of October, in the year 1950.

Issued at Manila, Philippines, this 24th day of January, 1951.

Attest: **ENRIQUE ALTAVAS**
Chief of the General Land
Registration Office
[1, 2]

**IN THE COURT OF FIRST INSTANCE, PROVINCE
OF PANGASINAN**

Land Registration Case No. 898. G.L.R.O. Record No. 3555

FERMINA ORMILLA, applicant

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works and the Director of Forestry, Manila; the Provincial Governor, the Provincial Fiscal and the District Engineer, Lingayen, Pangasinan; the Municipal Mayor, Patricio Ringor, Policarpio Ferrer, Tomas Bimbo, Pascual Pasion, Alejandro Urmillas Bimbo, Pascual Pasion, Alejandro Urmilla and Gregorio Villanueva, San Quintin, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Fermina Ormilla, San Quintin, Pangasinan, to register and confirm her title to the following properties: